Passed
B. G.

M.

HOME **(195 3) Department.**

Ms **SERIES.**

G.O. No. 2504

Dated 6-8-1953

FOR MYSORE STATE

[Despatch Abstract.]

PRISONERS - Advisory Board - Central Jail, Cannanore - Convict No.2293, Sankappa Shetty alias Koraga Shetty and three others - Release ordered.

C.F. 32 14,67,656—21-3-52.

Jail Department

From (Name) Sri V.Hanumanta Rao, I.A.S.,
Designation Inspector General of Prisons,
Station M A D R A S.

Received ASSISTANT SECRETARY TO GOVERNMENT HOME DEPARTMENT Registered

To
The Secretary to Government,
Home Department,
M A D R A S.

Enclosures: No. 145/S4/53, dated 22-6-53. 195

Sir,

Sub: ADVISORY BOARD - Central Jail, Cannanore - Cases of Lifer convicts - Recommended for premature release - Papers submitted.

C No. 2293, Sankappa Shetty @ Koraga Shetty & 4 others.

130829.

130829 24/6/53

-*-

Under Rule 310-A(a) of Part I, Madras Prison & Reformatory Manual, Volume II, I submit the following papers relating to the convicts mentioned in the Annexure for orders of the Government. These papers were placed before the Advisory Board which met at the Central Jail, Cannanore on 7-6-53.

1. Proceedings of the Board.
2. Recommendation Rolls.
3. Advisory Board Working Sheets.
4. Nominal Rolls.
5. Reports of the Police and the Dist.Magistrate.
6. Copies of Judgments of the Lower and Appellate Courts.

2. I agree with the recommendation of the Board.

3. The ~~copies~~ Cases of the first four prisoners and Convict No. 4017 Chruman Kunchan are resubmitted to Government as per G.O. Rt.No.2401, Home, dated 18-8-52 and G.O.Rt.No.2680, Home, dated 27-9-51 respectively.

INSPECTOR GENERAL OF PRISONS.

TMS/23-6-53.

ANNEXURE.

Serial Number.	Convict Number.	Name.
1.	2293	Sankappa Shetty alias Koraga Shetty.
2.	2294	Biliyur Sheshappa Shetty.
3.	2296	Golithathu Authappa Pujary.
4.	2297	Padil Thania Pujary.
5.	4017	Chruman Kunchan. Separate Ltr.

PROCEEDINGS OF THE ADVISORY BOARD MEETING HELD AT THE CENTRAL JAIL CANNANORE ON 7-6-1953.

K.NAMBIAR,I.A.S.
Dist. Magistrate,Malabar. — PRESIDENT.

Sri.K.C.Chriakunhunni Raja,B.A. B.L.
Sessions Judge North Malabar, Tellicherry. — OFFICIAL MEMBER.

Sri. P. Govinda Panikkar, B.A.LL. B.
Hony. Secretary, D.P.A.Society, Cannanore. — NON OFFICIAL MEMBER.

Sri. K.P.R.Menon,
Superintendent, Central Jail, Cannanore. — Secretary.

The cases of the following lifer convicts are recommended for conditional release.

Sl.No.	Convict No. & Name	Remarks.
1	2293 SANKAPPA SHETTY @ KORAGA SHETTY	He has under gone 2/3rds of his sentence by - 17-9-50 and has remained in jail for 2 years 9 months after that date. The only reason against their release is that th previous enimity will b rekindled in the village. This is not a sufficient ground for keepi a prisoner of exemplary charactor in jail. It is for the police wat the situation for some time. In case the sentence of 3 years R. was enhanced by High Court to tr portation. We recommend release of the prisoner.
2.	2294 BILIYOOR SESHAPPA SHETTY	-do-
3	2296 Golithattu AITHAPPA POOJARY	-do-
4.	2297 PADIL THANIA POOJARY	-do-
5.	4017 CHERUMAN KUNCHAN	Recommended. We consider tha threat of public safety will caused by his release. He is Harijan labourer and has lead quiet life, and has committed an offence in a fit of jealou

Non-Official-member — Official Member — President.

Secretary.

Extract from the proceedings of the Advisory Board Meeting held at the Central Jail, Cannanore on 7-6-53.

The cases of the following lifer convicts are recommended for conditional release.

Sl. No.	Covict No. & Name	Remarks.
1.	2293 SANKAPPA SHETTY @ KORAGA SHETTY	He has under gone 2/3rd's of his sentence by 17-9-50 and has remained in jail for 2 years 9 months after that date. The only reason against their release is that the previous enimity will be rekindled in the village. This is not a sufficient ground for keeping a prisoner of exemplary charactor in jail. It is for the police to watch the situation for ~~the~~ some time. In this case the sentence of 3 years R.I. was enhanced by High Court to transportation We recommend the release of the prisoner

/True extract/

Superintendent,
Central Jail, Cannanore.

Extract from the proceedings of the Advisory Board Meeting held at the Central Jail, Cannanore on 7-6-53.

The cases of the following lifer convicts are recommended for conditional release.

Sl. No.	Coviet No. & Name	Remarks.
2	2294 BILIYOOR SESHAPPA SHETTY	He has under gone 2/3rd's of his sentence by 17-9-50 and has remained in jail for 2 years 9 months after that date. The only reason against their release is that the previous enimity will be rekindled in the village. This is not a sufficient ground for keeping a prisoner of exemplary charactor in jail. It is for the police to watch the situation for the some time. In this case the sentence of 3 years R.I. was enhanced by High Court to transportation We recommend the release of the prisoner

/True extract/

Superintendent,
Central Jail, Cannanore.

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The cases of the following lifer convicts are recommended for conditi release.

Sl. No.	Covict No. & Name	Remarks.
3	2296 GOLITHATTU AITHAPPA PUJARY	He has under gone 2/3rd's of his se ence by 17-9-50 and has remained in jail for 2 years 9 months after tha date. The only reason against their release is that the previous enimity will be rekindled in the village. Th is not a sufficient ground for keeping a prisoner of exemplary charactor in jail. It is for the police to watch situation for the some time. In this case the sentence of 3 years R.I. wa enhanced by High Court to transportat We recommend the release of the priso

/True extract/

Superintendent,
Central Jail, Cannanore.

Extract from the proceedings of the Advisory Board Meeting held at the Central Jail, Cannanore on 7-6-53.

The cases of the following lifer convicts are recommended for conditional release.

Sl. No.	Covict No. & Name	Remarks.
4	2297 BADIL THANIA PUJARY	He has under gone 2/3rd's of his sentence by 17-9-50 and has remained in jail for 2 years 9 months after that date. The only reason against their release is that the previous enimity will be rekindled in the village. This is not a sufficient ground for keeping a prisoner of exemplary character in jail. It is for the police to watch the situation for the some time. In this case the sentence of 3 years R.I. was enhanced by High Court to transportatio We recommend the release of the prisone

/True extract/

Superintendent,
Central Jail, Cannanore.

Judl. (Jail II)-92—8,456—14-[illegible] 13

Roll of convict recommended for conditional release under the Intermediate sentences scheme sanctioned in G.O. No. 667, Law (General), dated 26th February 1923.

1. Name of jail	Central Jail, Cannanore.
2. Convict number and name	2293 SANKAPPA SHETTY @ KORAGA SHETTY
3. Father's or ~~Husband's name~~	Pakiri shetty
4 Residential address including taluk and district.	Sujiyar gramam, Mangalore, S.Kanara.
5. Court by which the prisoner was convicted and case number.	Sessions Judge S.Kanara SC No.31/44
6. Section of the I.P.C. or other law under which convicted.	304 Part II I.P.C.(302 I.P.C on appeal)
7. Date of sentence	4-12-1944
8. Period of sentence	3 years R.I.(Transportation for life on appeal)
9. Date on which convict completed two thirds of his sentence.	17-9-50
10. Unexpired portion of sentence on date of recommendation by the Board, including remission earned (remission granted in celebration of public events should be excluded).	y m d 3- 2- 3 on 7.6 SJ

[illegible]

11. Full " police " history with recommendation of the District Superintendent of Police.	Vide separate sheet attatched.
12. Recommendation of the District Magistrate.	Vide separate sheet attached.
13. Remark of the Superintendent of the Jail on the conduct of the convict in prison.	Exemplary.
14. Recommendation of the Advisory Board with detailed reasons when the Board differs from the Superintendent of Police or the District Magistrate.	He has under gone 2/3rds of his sentence by 17-9-50 and has remained in jail for 2 years 9 months after that date.The only reason agains their release is that the previous enimity will be rekindled in the village. This is not a sufficient ground for keeping a prisoner of exemplary char.ctor in jail. It is for the police to watch the situation for some time. In this case the sentence of 3 years R.I. was enhanced by High Court to transportation. We recommend the release of the prisoner.

Dated C.Jail, Cannanore,
Dated 7-6- 1953.

Superintendent

Column 12

The three convicts No.2293,2294 and 2296 in the C
Jail, Cannanore were originally sentenced to 3 years
by the Sessions Judge S.Kanara . But on an appeal pref
by the Government to enhance the sentence the High Cou
took a serious view of the case and sentenced them to
portation for life.

Enquiry shows that there is grave enimity between th
convicts and the family of the deceased and if the convi
were to be released now the strained feelings between th
and the family of the deceased would be revived and enki
instantaneously. The relations of the accused are likely
wreak vengence on the accused and this may disturbe the
peaceful atmosphere of the locality. The Dist. Superinte
of Police S. Kanara does not recommend the release of t
convicts before the expiry of their full term of senten
I agree with him. The prisoners cannot be released now
out injury to the community.

Sd/ Dist. Magistrate
S. Kanara.

All the three convict rolls referred to (1) Sankappa Shetty @ Koraga Sh Shetty S/o Pakkara Shetty (2) Biliyur Sheshappa Shetty S/o Marappa Shetty and (3) G.Aithappa Pujary S/o Thania Pujary are accused No.2,3,and 5 along with three others in SC No.31/44 concerned in Puttur Station Crime No. 17/44 Section 302 I.P.C. read with 34 I.P.C. The facts of the case in brief are as follows.

There was a dispute between the deceased Narayn Rai and Naila Rai the latter said to be the managing member of the family at the time regarding the possession of a house in which the deceased was living and which he declined to give up. On the fore-noon of 17-3-44 the deceased was induced on the pretext of a Panchayat to be held in the house of Naila Rai at Perne to set off in the company of Biliyore Sheshappa Shetty and G.Aithappa Pujari noted above to Perne, by car. This car was stopped at Kodiadi on the pretext that Sanjeeva Rai would be coming on foot by the short cut to meet the deceased. - Accordingly the deceased left the car and went into the coffee shop close by at the suggestion of G. Aithappa Rai and before long G.Aitheppa Rai brought a tender coccanut and offered to the deceased for drinking and while he was drinking Sankappa Shetty and Biliyur SheshappaShetty attacked the deceased with split areecanut stems and subject the deceased to an extremly brutal and indiscriminate attack and the postmortem certificate showed that the deceased received a large number of abrasions,contusions,bruises,contesegt wounds on various parts of the body, both the bones of the left legs were fractured and one of the bones of the right leg were fractured, one of the bones of the right arm was broken, and also one of the fingures. In particular the condition of the left leg indicates that the deceased must have been beaten - indiscriminately without mercy, the contusion extending from the knee to the toes. The whole leg and foot were swollen and dissection revealed that the tissues were infilterated with blood and blood plots. Death was caused by shock and haemorrhage from the multiple injuries inflicted.

The deceased gave a dying declaration implicating all the above mentioned three convicts along with others and all of them were charged under section 302 I.P.C read with 34 I.P.C.

The case was committed to the Sessions Court Mangalore by the Puttur S.S.M. in R.C.No.9/44 and the Sessions Judge tried all the accused in S.C. No.31/44 and the learned Sessions Judge came to the conclusion that the prosecution has satisfactorly proved that all the above 3 convicts referred to (and three others) took part in getting the deceased to a hotel at Kediyady that morning and they beat him and thereby caused the injuries which resulted in his death subsequently. The learned Judge further found(it seems more likely that the accused intended to ~~him~~ give the deceased a sound thrashing and probably to maim him and in doing so they must have realised that death was likely to be caused).

The learned Sessions Judge convicted the above 3 convicts (along with 3 others) under section 304 Part II I.P.C. Narayn Rai's high handed and atrocious acts were mainly responsible in making the accused act as they did in trying to maim him and prevent him from committing more misdeeds. Taking these facts into consideration each accused was sentenced to under go R.I. for 3 years.

But the Government preferred an appeal to enhance the sentence passed on the accused therein and the High Court of Judicature at Madras took the criminal appeal Nos. 870 of 44 and 173 of 45 in criminal revision No.886 of 45.

The learned Public Prosecutor rightly pointed out the learned Sessions Judge's findings " It seems more likely that the accused intended to give the deceased a sound thrashing and probably to maim him and in doing so they must have realised that death was likely to be caused" THAT these words are sufficient to bring the case within the second clause of section 300 of the I.P.C. It is no doubt true that no single injury on the deceased was likely to cause death, but when he was attacked with such severity that both his legs and one of his arms were broken and was so severly beaten that he died the same evening and the only conclusion possible is that found by the learned Judge namely, that the assilant intended to maim him and in doing so they knew that death was likely to be caused. Hence the High Court allowed the appeal convicted the above 3 convicts along with another of the murder of the charge and sentenced them all to undergo transportation for life.

The 3 convicts referred to are all banchmen of the Bellipady family. The villages were these convicts reside are highly factious villages. The convictions and the sentence of transportation for life by the High Court of Madras in this case had an effective measure on the morale of the public in the villages and since then, the said villages enjoyed healthy and peaceful

atmosphere. In case, the above said 3 convicts be let off prior to their completing the term of their sentence, on their arrival in the village, there is every likely hood of previous enimity kindling up and factions will spring up. Already there is party feelings between the Mailadai family and the deceased's family and these feelings will be instantaneously revived again and peaceful atmosphere in the village being disturbed.

In the circumstances I submit that the above mentioned 3 convicts referred to may not be prematurly released in the interest of public safety.

Sd/
Sub Inspector of Police.

The relations of the deceased are residing in Benmur village. The villages of the three convicts are closed to the village of the deceased The relations of the deceased are likely to wreak vengeance on the accused if they are released prematurely. Hence the premature release of these convicts is not recommended.

Sd/ Inspector of Police.

1. Yes, there will be a reaction if the prisoner is released prematurely
2. The relatives of the deceased are likely to wreak vengence on the accused, if he is to be released prematurely.
3. No.
4. Nil.

The premature release of the convicts/ is not recommended.

Sd/ Dist. Superintendent of Police.S.Kanara.

column 14

He has under gone 2/3rds of his sentence by 17-9-50 and has remained in jail for 2 years 9 months after that date The only reason against their release is that the previous enimity will be rekindled in the village. This is not a sufficient ground for keeping a prisoner of exemplary charactor in jail. It is for the police to watch the situation for some time. In this case the sentence of 3 years R.I. was enhanced by High Court to transportation We recommend the release of the prisoner.

Column 12.

The three convicts No.2293,2294 and 2296 in the Central Jail, Cannanore were originally sentenced to 3 years R.I. by the Sessions Judge S.Kanara . But on an appeal preferred by the Government to enhance the sentence the High Court took a serious view of the case and sentenced them to transportation for life.

Enquiry shows that there is grave enimity between the convicts and the family of the deceased and if the convicts were to be released now the strained feelings between them and the family of the deceased would be revived and enkindled instantaneously. The relations of the accused are likely to wreak vengence on the accused and this may disturb the peaceful atmosphere of the locality. The Dist. Superintendent of Police S. Kanara does not recommend the release of the convicts before the expiry of their full term of sentence . I agree with him. The prisoners cannot be released now without injury to the community.

Sd/ Dist. Magistrate
S. Kanara.

Column - II:

All the three convict rolls referred to (1) Sankappa Shetty @ Koraga Sk Shetty S/o Pakkara Shetty (2) Biliyar Sheshappa Shetty S/o Narappa Shetty, and (3) G.Aithappa Pujary S/o Thania Pujary are accused No.2,3,and 5 along with three others in SC No.31/44 concerned in Puttur Station Crime No. 17/44 Section 302 I.P.C. read with 34 I.P.C. The facts of the case in brief are as follows.

There was a dispute between the deceased Naraya Rai and Naila Rai the latter said to be the managing member of the family at the time regarding the possession of a house in which the deceased was living and which he declined to give up. On the fore-noon of 17-3-44 the deceased was induced on the pretext of a Panchayat to be held in the house of Naila Rai at Perue to set off in the company of Biliyere Sheshappa Shetty and G.Aithappa Pujari noted above to Perue, by car. This car was stopped at Kediadi on the pretext that Sanjeeva Rai would be coming on foot by the short cut to meet the deceased. Accordingly the deceased left the car and went into the coffee shop close by at the suggestion of G. Aithappa Rai and before long G.Aithappa Rai brought a tender coconut and offered to the deceased for drinking and while he was drinking Sankappa Shetty and Biliyur Sheshappa Shetty attacked the deceased with split arecanut stems and subject the deceased to an extremly brutal and indiscriminate attack and the postmortem certificate showed that the deceased received a large number of abrasions, contusions, bruises contescect wounds on various parts of the body, both the bones of the left legs bare fractured and one of the bones of the right leg were fractured, one of the bones of the right arm was broken, and also one of the fingures, In particular the condition of the left leg indicates that the deceased must have been beaten indiscriminately without mercy, the condition extending from the knee to the toes. The whole leg and foot were swollen and dissection revealed that the tissues were infiltorated with blood and blood clots. Death was caused by shock and haemorrhage from the multiple injuries inflicted.

The deceased gave a dying declaration implicating all the above mentioned three convicts along with others and all of them were charged under section 302 I.P.C read with 34 I.P.C.

The case was committed to the Sessions Court Mangalore by the Puttur S.D.M. in R.C.No.9/44 and the Sessions Judge tried all the accused in S.C. No.31/44 and the learned Sessions Judge came to the conclusion that the prosecution has satisfactorily proved that all the above 3 convicts referred to (and three others) took part in getting the deceased to a hotel at Kediyady [illegible] and they beat him and thereby caused the injuries which resulted in his death subsequently. The learned Judge further found "it seems more likely that the accused intended to [illegible] give the deceased a sound thrashing and probably to maim him and in doing so they must have realised that death was likely to be caused".

The learned Sessions Judge convicted the above 3 convicts (along with 3 others) under section 304 Part II I.P.C. Naraya Rai's high handed and atrocious acts were mainly responsible in making the accused act as they did in trying to maim him and prevent him from committing more misdeeds. Taking these facts into consideration each accused was sentenced to under go R.I. for 3 years.

But the Government preferred an appeal to enhance the sentence passed on the accused therein and the High Court of Judicature at Madras took the criminal appeal Nos. 870 of 44 and 173 of 45 in criminal revision No.226 of 45.

The learned Public Prosecutor rightly pointed out the learned Sessions Judge's findings " It seems more likely that the accused intended to give the deceased a sound thrashing and probably to maim him and in doing so they must have realised that death was likely to be caused" THAT These words are sufficient to bring the case within the second clause of section 300 of the I.P.C. It is no doubt true that no single injury on the deceased was likely to cause death, but when he was attacked with such severity that both his legs and one of his arms were broken and was so severly beaten that he died the same evening and the only conclusion possible is that found by the learn judge namely, that the assilent intended to maim him and in doing so they knew that death was likely to be caused. Hence the High Court allowed the appeal convicted the above 3 convicts along with another of the murder of the charge and sentenced them all to undergo transportation for life.

The 3 convicts referred to are all kanchuen of the Kallipady family. Th villages were these convicts reside are highly factious villages. The convictions and the sentence of transportation for life by the High Court of Madras in this case had an effective measure on the morale of the public in the villages and since then, the said villages enjoyed healthy and peaceful

92

atmosphere. In case, the above said 3 convicts be let off prior to their completing the term of their sentence, on their arrival in the village, there is every likely hood of previous enmity kindling up and factions will spring up. Already there is party feelings between the Nadumai family and the deceased's family and these feelings will be instantaneously revived again and peaceful atmosphere in the village will be disturbed.

In the circumstances I submit that the above mentioned 3 convicts referred to may not be prematurely released in the interest of public safety.

Sd/
Sub Inspector of Police,

The relations of the deceased are residing in Bannur village. The villages of the three convicts are closed to the village of the deceased. The relations of the deceased are likely to wreak vengeance on the accused if they are released prematurely. Hence the premature release of these convicts is not recommended.

Sd/ Inspector of Police.

1. Yes, there will be a reaction if the prisoner is released prematurely
2. The relatives of the deceased are likely to wreak vengence on the accused, if he is to be released prematurely.
3. No.
4. Nil.

The premature release of the convicts/ is not recommended.

Sd/ Dist. Superintendent of Police.S.Kanara.

Judl. (Jail II)-92—8,456—14-9-51.

15

Roll of convict recommended for conditional release under the Intermediate sentences scheme sanctioned in G.O. No. 667, Law (General), dated 26th February 1923.

1. Name of jail	Central Jail, Cannanore.
2. Convict number and name	2294 BILIYOOR SESHAPPA SHETTY
3. Father's or ~~Husband's name~~	Marappa Shetty.
4 Residential address including taluk and district.	Biliyoor gram, Puttur S.Kanara.
5. Court by which the prisoner was convicted and case number.	Sessions Judge S.Kanara. SC.No.31/44
6. Section of the I.P.C. or other law under which convicted.	304 Part II I.P.C. (302 I.P.C on appeal)
7. Date of sentence	4-12-44.
8. Period of sentence	3 years R.I.(Transportation for life on appeal
9. Date on which convict completed two thirds of his sentence.	1-8-50
10. Unexpired portion of sentence on date of recommendation by the Board, including remission earned (remission granted in celebration of public events should be excluded)	Y M D 2 11-12 on 16.5

[P.T.O.

11. Full " police " history with recommendation of the District Superintendent of Police.	Vide separate sheet attached.
12. Recommendation of the District Magistrate.	Vide separate sheet attached.
13. Remark of the Superintendent of the Jail on the conduct of the convict in prison.	Exemplary.
14. Recommendation of the Advisory Board with detailed reasons when the Board differs from the Superintendent of Police or the District Magistrate.	Vide separate sheet attached

Cannanore Central Jail.

Dated 7 - 6 - 1953

Superintendent

Judl. (Jail II)-92—8,456—14-9-51.

17

Roll of convict recommended for conditional release under the Intermediate sentences scheme sanctioned in G.O. No. 667, Law (General), dated 26th February 1923.

1. Name of jail	Central Jail, Cannanore.
2. Convict number and name	2296 GOLITHATTU KITHAPPA PUJARY.
3. Father's or Husband's name	Thania pujary
4 Residential address including taluk and district.	Kodimpadi gramam Puthur, S.Kanara.
5. Court by which the prisoner was convicted and case number.	Sessions Judge S.Kanara SC No.31/44
6. Section of the I.P.C. or other law under which convicted.	304 Part II I.P.C.(302 I.P.C on appeal)
7. Date of sentence	4-12-44.
8. Period of sentence	3 years R.I.(Transportation for life on appeal)
9. Date on which convict completed two thirds of his sentence.	13-6-50
10. Unexpired portion of sentence on date of recommendation by the Board, including remission earned (remission granted in celebration of pub lic events should be excluded).	Y M D 2- 8- 4 on 7.6.53

[P.T.O.

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14. Recommendation of the Advisory Board with detailed reasons when the Board differs from the Superintendent of Police or the District Magistrate.	Vide separate sheet attached.

Cannanore Central Jail,

Dated 7 - 6 - 1952

Superintendent

Column - 11

He has under gone 2/3rds of his sentence by 17-9-50 and has remained in jail for 2 years 9 months after that date The only reason against their release is that the previous enimity will be rekindled in the village. This is not a sufficient ground for keeping a prisoner of exemplary charactor in jail. It is for the police to watch the situation for some time. In this case the sentence of 3 years R.I. was enhanced by High Court to transportation We recommend the release of the prisoner.

Column - 12.

The three convicts No.2293,2294 and 2296 in the Central Jail, Cannanore were originally sentenced to 3 years R.I. by the Sessions Judge S.Kanara . But on an appeal preferred by the Government to enhance the sentence the High Court took a serious view of the case and sentenced them to transportation for life.

Enquiry shows that there is grave enimity between the convicts and the family of the deceased and if the convicts were to be released now the strained feelings between them and the family of the deceased would be revived and enkindled instantaneously. The relations of the accused are likely to wreak vengence on the accused and this may disturbs the peaceful atmosphere of the locality. The Dist. Superintendent of Police S. Kanara does not recommend the release of the convicts before the expiry of their full term of sentence . I agree with him. The prisoners cannot be released now without injury to the community.

Sd/ Dist. Magistrate
S. Kanara.

Column. II

All the three convict rolls referred to (1) Sankappa Shetty @ Keraga Sh Shetty S/o Pakkura Shetty (2) Biliyar Shashappa Shetty S/o Narappa Shetty and (3) G.Aithappa Pujary S/o Thamia Pujary are accused No.2,3,and 5 along with three others in SC No.31/44 concerned in Puttur Station Crime No. 17/44 Section 302 I.P.C. read with 34 I.P.C. The facts of the case in brief are as follows.

There was a dispute between the deceased Narayn Rai and Naila Rai the latter said to be the managing member of the family at the time regarding the possession of a house in which the deceased was living and which he declined to give up. On the fore-noon of 17-3-44 the deceased was induced on the pretext of a Panchayat to be held in the house of Naila Rai at Perne to set off in the company of Biliyare Shashappa Shetty and G.Aithappa Pujari noted above to Perne, by car. This car was stopped at Kodiadi on the pretext that Sanjeeva Rai would be coming on foot by the short cut to meet the deceased. - Accordingly the deceased left the car and went into the coffee shop close by at the suggestion of G. Aithappa Rai and before long G.Aithappa Rai brought a tender cocoanut and offered to the deceased for drinking and while he was drinking Sankappa Shetty and Biliyar Shashapp Shetty attacked the deceased with split arecanut stems and subject the deceased to an extremly brutal and indiscriminate attack and the postmortem certificate showed that the deceased received a large number of abrasions contusions bruises contesect wounds on various parts of the body, both the bones of the left legs were fractured and one of the bones of the right leg were fractured, one of the bones of the right arm was broken, and also one of the fingures. In particular the condition of the left leg indicates that the deceased must have been beaten - indiscriminately without mercy, the contusion extending from the knee to the toes. The whole leg and foot were swollen and dissection revealed that the tissues were infiltrated with blood and blood clots. Death was caused by shock and haemorrhage from the multiple injuries inflicted.

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The case was committed to the Sessions Court Mangalore by the Puttur S.D.M. in R.C.No.9/44 and the Sessions Judge tried all the accused in S.C. No.31/44 and the learned Sessions Judge came to the conclusion that the prosecution has satisfactorly proved that all the above 3 convicts referred to (and three others) took part in getting the deceased to a hotel at Kodiyady that morning and they beat him and thereby caused the injuries which resulted in his death subsequently. The learned Judge further found (it seems more likely that the accused intended to thr give the deceased a sound thrashing and probably to main him and in doing so they must have realised that death was likely to be caused).

The learned Sessions Judge convicted the above 3 convicts (along with 3 others) under section 304 Part II I.P.C. Narayn Rai's high handed and atrocious acts were mainly responsible in making the accused act as they did in trying to main him and prevent him from committing more misdeeds. Taking these facts into consideration each accused was sentenced to under go R.I. for 3 years.

But the Government preferred an appeal to enhance the sentence passed on the accused therein and the High Court of Judicature at Madras took the criminal appeal Nos. 870 of 44 and 173 of 45 in criminal revision No.226 of 45.

The learned Public Prosecutor rightly pointed out the learned Sessions Judge's findings " It seems more likely that the accused intended to give the deceased a sound thrashing and probably to main him and in doing so they must have realised that death was likely to be caused" THAT these words are sufficient to bring the case within the second clause of section 300 of the I.P.C. It is no doubt true that no single injury on the deceased was likely to cause death, but when he was attacked with such severity that both his legs and one of his arms were broken and was so severly beaten that he died the same evening and the only conclusion possible is that found by the learn judge namely, that the assailant intended to main him and in doing so they knew that death was likely to be caused. Hence the High Court allowed the appeal convicted the above 3 convicts along with another of the murder of the charge and sentenced them all to undergo transportation for life.

The 3 convicts referred to are all henchmen of the Bellipady family. Th villages were these convicts resids are highly factious villages. The convictions and the sentence of transportation for life by the High Court of Madras in this case had an effective measure on the morale of the public in the villages and since then, the said villages enjoyed healthy and peaceful

82

atmosphere. In case, the above said 3 convicts be let off prior to their completing the term of their sentence, on their arrival in the village, there is every likely hood of previous enimity kimdling up and factions will spring up. Already there is party feelings between the Mailumai family and the deceased's family and these feelings will be instantaneously revived again and peaceful atmosphere in the village being disturbed.

In the circumstances I submit that the above mentioned 3 convicts referred to may not be prematurly released in the interest of public safety.

Sd/
Sub Inspector of Police.

The relations of the deceased are residing in Semmar village. The villages of the three convicts are closed to the village of the deceased. The relations of the deceased are likely to wreak vengeance on the accused if they are released prematurely. Hence the premature release of these convicts is not recommended.

Sd/ Inspector of Police.

1. Yes, there will be a reaction if the prisoner is released prematurely
2. The relatives of the deceased are likely to wreak vengence on the accused, if he is to be released prematurely.
3. No.
4. Nil.

The premature release of the convicts/ is not recommended.

Sd/ Dist. Superintendent of Police.S.Kanara.

Judl. (Jail II)-92—8,456—14-9-51.

19

Roll of convict recommended for conditional release under the Intermediate sentences scheme sanctioned in G.O. No. 667, Law (General), dated 26th February 1923.

1. Name of jail	Central Jail, Cannanore.
2. Convict number and name	2297 PADIL THANIA PUJARY
3. Father's or ~~Husband's name~~	Koti Pujary
4 Residential address including taluk and district.	Bannur gramam, Puttur, S.Kanara.
5. Court by which the prisoner was convicted and case number.	Sessions Judge S.Kanara. SC No.31/44
6. Section of the I.P.C. or other law under which convicted.	304 Part II I.P.C (302 I.P.C on appeal)
7. Date of sentence	4-12-44
8. Period of sentence	3 years R.I. (Transportation for life on appeal)
9. Date on which convict completed two thirds of his sentence.	1-5-50
10. Unexpired portion of sentence on date of recommendation by the Board, including remission earned (remission granted in celebration of pub lic events should be excluded).	Y M D 2- 6-18 on 16.5.53

[P.T.O.

Column. 11.

Convict Padil Thania Pujary son of Koti Pujary of Bannore is one of the 4 convicts convicted to 3 years R.I. on 4-12-45 by the Sessions Judge in SC.No31/44 but in the appeal preferred to the High Court of Madras for enhanced punishment, the ~~said~~ above said convict was sentenced to transportation for life along with the 3 other convicts referred to in C.No.6462, 6464 and 6466/D2/53 which had been submitted to the Inspector of police on 10-5-53.
The same remarks offered in C.No.6462,6464 and 6466/B2/53 with regard to the other 3 accused stand good to this convict also, since the judgement of the Sessions Court and the High court are resubmitted along with the above connected papers.

Sd/ Sub Inspector of police

The relations of the deceased in this case reside at Chikkamudnure adjoining the village of this convict. They are likely to wreak vengence on this man if he is released prematurely. Besides he is a rowdy and is likely to trouble the witnesses who gave evidence against him in the case. Hence the premature release of this convict is not recommended.

Sd/ Inspector of police.

1) & 2) The relatives of the deceased are residing in the adjoining village of this convict and they are likely to wreak vengence on the convict if he is to be released prematurely.
3) No.
4) Nil.

Under the circumstances stated above the premature release of this convict is not recommended.

Sd/ Dist. Supdt. of Police
S. Kanara.

Column II

All the three convict rolls referred to (1) Sankappa Shetty @ Koraga Shetty S/o Pakkara Shetty (2) Biliyur Sheshappa Shetty S/o Marappa Shetty and (3) G.Aithappa Pujary S/o Thania Pujary are accused No.2,3,and 5 along with three others in SC No.31/44 concerned in Puttur Station Crime No. 17/44 Section 302 I.P.C. read with 34 I.P.C. The facts of the case in brief are as follows.

There was a dispute between the deceased Naraya Rai and Maila Rai the latter said to be the managing member of the family at the time regarding the possession of a house in which the deceased was living and which he declined to give up. On the fore-noon of 17-3-44 the deceased was induced on the pretext of a Panchayat to be held in the house of Maila Rai at Perue to set off in the company of Biliyore Sheshappa Shetty and G.Aithappa Pujari noted above to Perue, by car. This car was stopped at Kodiadi on the pretext that Sanjeeva Rai would be coming on foot by the short cut to meet the deceased. Accordingly the deceased left the car and went into the coffee shop close by at the suggestion of G. Aithappa Rai and before long G.Aithappa Rai brought a tender cocoanut and offered to the deceased for drinking and while he was drinking Sankappa Shetty and Biliyur Sheshappa Shetty attacked the deceased with split arecanut stems and subject the deceased to an extremly brutal and indiscriminate attack and the postmortem certificate showed that the deceased received a large number of abrasions, contusions, bruises conteesect wounds on various parts of the body, both the bones of the left legs were fractured and one of the bones of the right leg were fractured, one of the bones of the right arm was broken, and also one of the fingures. In particular the condition of the left leg indicates that the deceased must have been beaten indiscriminately without mercy, the contusion extending from the knee to the toes. The whole leg and foot were swollen and dissection revealed that the tissues were infilterated with blood and blood clots. Death was caused by shock and haemorrhage from the multiple injuries inflicted.

The deceased gave a dying declaration inplicating all the above mentioned three convicts along with others and all of them were charged under sention 302 I.P.C read with 34 I.P.C.

The case was committed to the Sessions Court Mangalore by the Puttur S.S.M. in R.C.No.9/44 and the Sessions Judge tried all the accused in S.C. No.31/44 and the learned Sessions Judge came to the conclusion that the prosecution has satisfactorly proved that all the above 3 convicts referred to (and three others) took part in getting the deceased to a hotel at Kodiyady ~~that morning and they beat him and thereby caused the injuries which resulted~~ in his death subsequently. The learned Judge further found "it seems more likely that the accused intended to ~~xx~~ give the deceased a sound thrashing and probably to maim him and in doing so they must have realised that death was likely to be caused".

The learned Sessions Judge convicted the above 3 convicts (along with 3 others) under section 304 Part II I.P.C. Naraya Rai's high handed and atrocious acts were mainly responsible in making the accused act as they did in trying to maim him and prevent him from committing more misdeeds. Taking these facts into consideration each accused was sentenced to under go R.I. for 3 years.

But the Government preferred an appeal to enhance the sentence passed on the accused therein and the High Court of Judicature at Madras took the criminal appeal Nos. 870 of 44 and 173 of 45 in criminal revision No.226 of 45.

The learned Public Prosecutor rightly pointed out the learned Sessions Judge's findings " It seems more likely that the accused intended to give the deceased a sound thrashing and probably to maim him and in doing so they must have realised that death was likely to be caused" THAT These words are sufficient to bring the case within the second clause of section 300 of the I.P.C. It is no doubt true that no single injury on the deceased was likely to cause death, but when he was attacked with such severity that both his legs and one of his arms were broken and was so severly beaten that he died the same evening and the only conclusion possible is that found by the learned judge namely, that the assilant intended to maim him and in doing so they knew that death was likely to be caused. Hence the High Court allowed the appeal convicted the above 3 convicts along with another of the murder of the charge and sentenced them all to undergo transportation for life.

The 3 convicts referred to are all henchmen of the Bellipady family. The villages were these convicts reside are highly factious villages. The convictions and the sentence of transportation for life by the High Court of Madras in this case had an effective measure on the morale of the public in the villages and since then, the said villages enjoyed healthy and peaceful

atmosphere. In case, the above said 3 convicts ~~bear~~ were let off prior to their completing the term of their sentence, on their arrival in the village, there is every likely hood of previous enimity kindling up and factions will spring up. Already there is party feelings between the Mailakai family and the deceased's family and these feelings will be instantaneously revived again and peaceful atmosphere in the village being disturbed.

In the circumstances I submit that the above mentioned 3 convicts referred to may not be prematurly released in the interest of public safety.

Sd/.
Sub Inspector of
Police.

The relations of the deceased are residing in Bannur village. The villages of the three convicts are closed to the village of the deceased. The relations of the deceased are likely to wreak vengeance on the accused if they are released prematurely. Hence the premature release of these convicts is not recommended.

Sd/. Inspector of Police.

Column - 14.

He has under gone 2/3rds of his sentence by 17-9-50 and has remained in jail for 2 years 9 months after that date. The only reason against their release is that the previous enimity will be rekindled in the village. This is not a sufficient ground for keeping a prisoner of exemplary charactor in jail. It is for the police to watch the situation for some time. In this case the sentence of 3 years R.I. was enhanced by High Court to transportation We recommend the release of the prisoner.

WORKING SHEEET OF CONVICT No. 2293 SANKAPPA SHETTY @ KORAGA 'SHETTY.

Sentence	20 years
Date of sentence	4-12-44
Add 2/3 sentence	4-13
	3 -4-58
Add atlarge	112 days
	115
	30-4- ✓
	85
	31-5 ✓
	54
	30-6 ✓
	24-7-58

Released on bail on 8 -1- 45
Rearrested on 1 -5-45
Atlarge 112 days

Remission earned up to 17-9-50 - 2862 days or 7-10-7 ✓

Date of eligibility for advisory Board 17- 9-50 ✓

N.B. The case of the prisoner is submitted after consideration by the Advisory Board meeting as directed in G.O.Rt.No. 2401 Home Dept. dated 18.8.52 communicated in Inspector General's No. 122/54/52. dated 20.8.52.

Superintendent,
Central Jail, Cannanore.

WORKING SHEET OF CONVICT No. 2294 BILLYOOR SESHAPPA SHETTY

Sentence	**20 years**		
Date of sentence	**4-12-44**		
Add 2/3 sentence	**4-13**		
	3 -4-58	**Released on bail on**	**8 -1- 46**
Add atlarge	**112 days**	**Rearrested on**	**1 -5-46**
	115	**Atlarge**	**112 days**
	30-4-		
	85		
	31-5		
	54		
	30-6		
	24-7-58		

Remission earned up to August 50- 2908 days or	23-11- 7
Date of eligibility for advisory Board	1- 8- 50

N.B. **The case of the prisoner is submitted after consideration by the Advisory Board meeting as directed in G.O.Rt.No.** 2401 **Home Dept. dated** 18.8.52 **communicated in Inspector General's No.** 122/54/52 dated 20.8.52.

Superintendent,
Central Jail, Cannanore.

WORKING SHEET OF CONVICT No. 2296 GOLITHATTJ AITHAPPA PUJARY.

Sentence	20 years
Date of sentence	4-12-44
Add 2/3 sentence	4-13
	3 -4-58
Add atlarge	112 days
	115
	30-4-
	85
	31-5
	54
	30-5
	24-7-56
Remission earned up to June 50- 2961 days or	11-1- 8
Date of eligibily for Advisory Board	13- 6-50

Released on bail on 8 -1- 45
Rearrested on 1 -5-45
Atlarge 112 days

N.B. The case of the prisoner is submitted after consideration by the **Advisory Board** meeting as directed in G.C.Rt.No. 2401 Home Dept. dated 18.8.52 communicated in Inspector General's No. 122/54/52 dated 20.8.52

Superintendent,
Central Jail, Cannanore.

WORKING SHEET OF CONVICT No. 2297 PADIL THANIA PUJARY

Sentence	20 years
Date of sentence	4-12-41
Add 2/3 sentence	4-13
	3 -4-68
Add atlarge	112 days
	115
	30-4-
	85
	31-5
	54
	30-6
	24-7-38

Released on bail on 8 -1- 45
Rearrested on 1 -6-45
Atlarge 112 days

Remission earned up to May 50- 3009 days or — 23- 2- 8

Date of eligibility for Advisory Board — 1- 5- 50

N.B. The case of the prisoner is submitted after consideration by the Advisory Board meeting as directed in G.O.Rt.No. 2401 Home Dept. dated 18.8.51 communicated in Inspector General's No. 122/56/51 dated 25.8.51.

112 4-

Superintendent,
Central Jail, Cannanore.

335 29

FORM No. 52. (*See* Rule 879, Part I of Vol. II, M.P. and R.M.) Judl. (Jail II)-18. 19.000—11—6—52.

NOMINAL ROLL OF MALE* CONVICT No. 2293. A

Name Sambappa Shetty @ Koraga Shetty S/o Pakiri Shetty.

Residence (Village, Taluk and District). Surjiyar gramam, Mangalore, S. Kanara

Caste Hindu, Present age 56 years, Occupation Cultivation

Section and Code under which imprisoned. Sec. 304 part II I.P.C. (302 Spc on appeal)

Original sentence of order and date. 3 years R.I on 4.12.44.

Adjudicating Court and Calendar number of case. Sessions Judge South Kanara in S.C. No. 31/44

Unexpired term of sentence after deducting remission earned. 3 year (s) 2 Month (s) 3 Day (s),

Present state of health and fitness to undertake journey † I.H.

a/1.6.'53

Result of appeal (if any) Sentence enhanced to transportation for life in C.A. Nos 870 & 873/45 and cl. Rev. case No. 226/45 D) 12.4.45 by High Court Madras.

Conduct in Jail Exemplary.

Personal and descriptive marks§ 1) Vertical scar 3" long on the front of R. leg upper 1/3 part. (2) A scar on the outer end of Rt. eye brow.

Remarks Class - C, Diet - Rice, Eddn - C.

Remission earned - 3145 days.

Released on bail on 8.1.45
Readmitted on 1.5.45
At large 112 days

* Strike out and add "Female" when necessary.

† After the prisoner's number, add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—No. 3742 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

§ Personal and descriptive marks are to be given when (1) rolls accompany prisoners transferred (2) police assistance is sought for the recapture of an escaped prisoner (Rule 549, Part I of Vol. II, M. P. and R. M.)

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Cannanore Central JAIL,
7. 6. 1953

Superintendent.

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7.6.53
18.9.11
15.7.8
3.2.3

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~~28~~ 35

FORM No. 52. (*See* Rule 879, Part I of Vol. II, M.P. and R.M.) Judl. (Jail II)-13. 19.000—11—6—52.

NOMINAL ROLL OF MALE* CONVICT No. 2297 A

Name Narail Ybania Pujary S/o Koli Pujary.

Residence (Village, Taluk and District). Bannur gramam, Puttur, S. Kanara.

Caste Hindu, Present age 47 years, Occupation Carpenter

Section and Code under which imprisoned. Sec. 304 part II I.P.C. (302 I.P.C on appeal

Original sentence of order and date. 3 years R I on 4.12.44.

Adjudicating Court and Calendar number of case. Sessions Judge S Kanara in S.C. No. 31/44

Unexpired term of sentence after deducting remission earned. 2 year (s) 6 Month (s) 18 Day (s),

Present state of health and fitness to undertake journey † I. H.

26

Result of appeal (if any) Sentence enhanced to Transportation for life in C.A.N^os 870/44 & 173/45 and Cal. Rev. Case No. 226/45 dt 12.4.45 by High Court, Madras.

Conduct in Jail Exemplary

Personal and descriptive marks§ 1) Dark scar on the front and upper 1/3 of left thigh

2) Two vertical scars side by side 1 1/4" above left nipple.

Remarks Class – C, Diet – Rice, Sub – B

Remission earned – 3975 days Released on Bail 8.1.46
Re-arrested on 1.5.45
At large 112 days

* Strike out and add " Female " when necessary.

† After the prisoner's number, add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—No. 3742 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

§ Personal and descriptive marks are to be given when (1) rolls accompany prisoners transferred (2) police assistance is sought for the recapture of an escaped prisoner (Rule 549, Part I of Vol. II, M. P. and R. M.)

Cannanore Central JAIL,
7. 6. 1953

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7.6.53 365
18.9.11
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18.6.2

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Superintendent,

FORM No. 52. (*See* Rule 879, Part I of Vol. II, M.P. and R.M.) Judl. (Jail II)-13. 19.000—11-[illegible]-52.

31

NOMINAL ROLL OF MALE* CONVICT No. 2294 † A.

Name Beliyoor Seshappa Shetty s/o Marappa Shetty

Residence (Village, Taluk and District). Beliyoor gramam, Puttur, S. Kanara.

Caste Hindu, Present age 42 years, Occupation Cultivation

Section and Code under which imprisoned. 304 part II I.P.C (302/pc on appeal)

Original sentence of order and date. 3 years R I on 4.12.44

Adjudicating Court and Calendar number of case. Sessions Judge South Kanara in S.C. No. 31/44

Unexpired term of sentence after deducting remission earned. 2 year (s) 11 Month (s) 12 Day (s),

Present state of health and fitness to undertake a journey † I H.

32

Result of appeal (if any) Sentence enhanced to Transportation for life in A. Rev. Case No. 226/45 and C.A. Nos. 870/44 and 173/45 on 12.4.45 by High Court, Madras

Conduct in Jail Exemplary

Personal and descriptive marks§ A raised mole 2½" from left nipple at 11 o'clock position (2) A mole ¾" below the inner end of Rt collar bone

Remarks Clothing - C, Diet - Rice, Edn - C

Remission earned - 3226 days. Released on bail on 8.1.45 Re-arrested on 1.5.45 At large 112 days.

* Strike out and add " Female " when necessary.

† After the prisoner's number, add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—No. 3742 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

§ Personal and descriptive marks are to be given when (1) rolls accompany prisoners transferred (2) police assistance is sought for the recapture of an escaped prisoner (Rule 549, Part I of Vol. II, M. P. and R. M.)

Cannanore Central JAIL
7. 6. 1953

25. 3. 65
7. 6. 53
18. 9. 11
6. 10. 8
12. 11. 2

360) 3226 (8.10.6
2920
306
300
6

Superintendent,

37-33

FORM No. 52. (*See* Rule 879, Part I of Vol. II, M.P. and R.M.) Judl. (Jail II)-13. 19.000—11—6—52.

NOMINAL ROLL OF MALE* CONVICT No. 2296† A.

Name Golithalla Ailappa Pujary S/o Thama Poojary

Residence (Village, Taluk and District). Kodimpadi gramam, Puttur, S. Kanara.

Caste Hindu, Present age 54 years, Occupation Cultivation

Section and Code under which imprisoned. Sec. 304 part II IPC. / (302 IPC on appeal)

Original sentence of order and date. 3 years RI on 4.12.44.

Adjudicating Court and Calendar number of case. Sessions Judge S. Kanara in S.C No. 31/44.

Unexpired term of sentence after deducting remission earned. 2 year (s) 8 Month (s) 4 Day (s),

Present state of health and fitness to undertake a journey † I H.

34

Result of appeal (if any) Sentence enhanced in T.C. Transportation for life in CANs 870/44 + 173/45 and Cr. Rev. Case No. 226/45 d/ 12.4.45 by High Court Madras

Conduct in Jail Exemplary.

Personal and descriptive marks§ V Oblique scar on the outer border and middle of Rt forearm (2) Oblique scar on the outer part and lower 1/3 Rt thigh

Remarks Class - C, Diet - Rice, Edn - C.

Remission earned - 3329 days. Released on bail on 8.1.45. Rearrested on 1.5.45.

At Large 112 days.

* Strike out and add " Female " when necessary.

† After the prisoner's number, add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—No. 3742 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

§ Personal and descriptive marks are to be given when (1) rolls accompany prisoners transferred (2) police assistance is sought for the recapture of an escaped prisoner (Rule 549, Part I of Vol. II, M. P. and R. M.)

Cannanore Central JAIL,
7-6- 1945

25. 3. 6.5
7. 6. 5 3 365) 332919 (
18. 9. 11 ✓ 3285
14. 1. 9 ✓ 44
4. 8. 2 ✓ 30
14

Superintendent,

~~45~~ 75
3

Resubmitted.

All the three Convict Rolls referred to

1) Sankappa Shetty @ Korega Shetty S/o Jakera Shetty
2) Biliyur Sheshappa Shetty S/o Marappa Shetty
3) Gr. Aithappa Poojary S/o Thania Poojary along with 3 Others

are accused no 2, 3 & 5 in C.C. No. 31/44 Concerned in Puttur Station Cr. No. 17/1944 u/s 302 I.P.C read with Section 34 I.P.C. The facts of the case in brief are as follows:-

There was a dispute between the deceased Narayana Rai and Naika Rai the latter said to be the managing member of the family at the time regarding the possession of a house in which the deceased was living and which he declined to give up. On the forenoon of 17.3.1944 the deceased was induced, on the pretext of a panchayat to be held in the house of Naika Rai at Perne to settle the matter in the company of ~~3rd~~ ~~fifth and sixth~~ accused Biliyur Sheshappa Shetty & Gr. Aithappa Poojary referred above to Perne by car. This car was stopped at Kodadi on the pretext that Sanjiva Rai would be coming on foot by that road to meet the deceased. Accordingly the deceased left the car and went into the coffee shop close by at the suggestion of Gr. Aithappa Rai, and before long Gr. Aithappa Rai brought a tender coconut and offered it to the deceased for drinking and while he was drinking, Sankappa Shetty and Biliyur Sheshappa Shetty ~~Sankap~~ attacked the deceased with split arecanut stems and subjected the deceased to an extremely brutal and indiscriminate attack and the post mortem certificate showed that the deceased received a large number of abrasions, bruises, contused wounds on various

parts of the body, both the bones of the left leg were fractured, and one of the bones of the right leg were fractured. one of the bones of the right arm was broken; and also one of the fingers. In particular, the condition of the left leg indicates that the deceased must have been beaten indiscriminately without mercy the Contusion extending from the Knee to the toes. The whole leg & foot were swollen, and dissection revealed that the tissues were infiltrated with blood and blood clots Death was caused by shock and haemorrhage from the multiple injuries inflicted.

The deceased gave a dying declaration implicating all the above mentioned 3 convicts along with others. And all of them were charged u/s 302 IPC read with 34 I.P.C.

The case was committed to the Sessions court Nagercoil by the Ld Further I & H. in R.C. No. 9/14 and the Session Judge tried all the accused in S.C. No 31/14 the learned Sessions Judge came to the conclusion that the prosecution has satisfactorily proved that all the above 3 convicts referred to (and 3 others) took part in getting the deceased to a hotel at Kodiyady that morning and they beat him and thereby caused the injuries which resulted in his death subsequently. The learned Judge further found "it seems more likely that the accused intended to give the deceased a severe thrashing and probably to maim him and in doing so they must have realised that his death was likely to be caused."

The learned Sessions judge convicted the above 3 convicts (along with 3 others) u/s. 304 Pt II I.P.C. Narcissa Rani heard on

~~4/77~~ 39

Abovevous acts were mainly responsible in making the accused act as they did in trying to maim him and prevent him from committing more mis-deeds. Taking these facts into consideration, ~~the~~ Sessions judge each accused was sentenced to undergo R.I. for 3 years

But the Government preferred an appeal to enhance the Sentence passed on the accused therein and the High Court of Judicature at Madras took the Criminal appeals nos. 820 of 1945 & 173 of 1946 - in Criminal revision case no. 226 of 1946 rightly.

The learned Public Prosecutor, pointed out the learned Sessions judges findings ~~that~~ It seems more likely that the accused intended to give the deceased a sound thrashing and probably to maim him and in doing so they must have realised that death was likely to be caused" that these words are sufficient to bring the case within the 2nd clause of section 300 of the I.P.C. It is no doubt true that no single injury on the deceased was likely to cause death, but when he was attacked with such severity that both his legs and one of his arms were broken and was so severely beaten that he died the same evening, the only conclusion ~~that~~ possible is that they found by the learned Judge, namely that the assailants intended to maim him and in doing so they knew that death was likely to be caused Hence the High Court allowed the appeal & convicted the above 3 convicts along with another of the murder of the charge and sentenced them all to undergo transportation for life.

The 3 convicts referred to are all henchmen of the notorious Billipadi family. The Village where these convicts reside

are highly factious villages. The Convictions and the sentence of transportation for life by the High Court of Madras in this case had an effective measure on the morale of the public in the villages and since then, the ~~said~~ said villages enjoyed a healthy and peaceful atmosphere. In case, the above said 3 convicts were let off - prior to their completing the term of their sentence, on their arrival in the village, there is every likelihood of previous enmity kindling up and factions will spring up. Already there did party feelings between the Haila Rai family and the deceased's family and these feelings will be instantaneously revived again and the peaceful atmosphere in the village being disturbed.

In the circumstances, I submit that the above mentioned 3 convicts (prisoners) may not be prematurely released in the interest of public safety.

K.S. Prabhu
Sub-Inspector
8.5.53

SUB CIRCLE OFFICE
1 MAY 1953

49 41

Respectfully submitted

The relations of deceased are residing in Bannur village. The villages of these three convicts are close to the village of the deceased. The relations of the deceased are likely to wreak vengeance on the accused if they are released prematurely. Hence the premature release of these convicts is not recommended

G.S. Pandey
Inspector
10/5/53

From DIG & IG

Sir

The proscribed forms in respect of convictions 2293, 2294 & 2296 are forwarded next for favour of signature.

M. Amritalingam
DYSP
12/5/53

By hand

5 & 43

ANNEXURE. (to be returned)

Convict No. 2293 and Name. Saukappa Shetty @ Kuraga Shetty

Note:

The Government directed that the previous history of the above prisoner should contain the information on the following points, and the District Magistrate and the District Superintendent of Police are requested to furnish the same.

1.	Report of the District Superintendent of Police.	Opinion of the District Magistrate as Hereafter / Record
1. What will be the reaction in the locality, if the prisoner is released prematurely.	Yes, there will be a reaction, if the prisoner is released prematurely.	Yes.
2. What will be the feeling of the relations of the victims or victim of the offence who suffered at the hands of the accused will be in the case premature release.	The relations of the deceased are likely to do wreak Vengence on the accused, if he is to be released prematurely.	Yes
3. Whether the life of the accused itself will be safe if he is to be released prematurely.	— No —	- No.
4. Any additional information relating to the prisoner.	Nil. The premature release of the convict is not recommended.	Yes

N. Ramaiah 1/45
District Supdt. of Police.

5.7 2015
District Magistrate.

(Vide Government memo No. 17013 prisons - II/50-3 Home dated 31-2-50)

To
xx N.Dis D2/ 6466 /53.
The ~~District~~ Superintendent of Police,
South Kanara.

To.
The Superintendent, Central Jail Cannanore through the District Magaistrate, South-Kanara Mangalore.

45

ANNEXURE. (to be returned)

Convict No. 2294 and Name. Biliyan Shivappa Shetty

Note:

The Government directed that the previous history of the above prisoner should contain the information on the following points, and the District Magistrate and the District Superintendent of Police are requested to furnish the same.

1.	2. Report of the District Superintendent of Police.	3. Opinion of the District Magistrate on the report of the D.S.P.
1. What will be the reaction in the locality, if the prisoner is released prematurely.	— Yes, there will be a reaction, if the prisoner is released prematurely.	Yes.
2. What will be the feeling of the relations of the victims or victim of the offence who suffered at the hands of the accused will be in the case premature release.	— The relations of the deceased are likely to wreak vengeance on the accused. if he is to be released prematurely.	Yes
3. Whether the life of the accused itself will be safe if he is to be released prematurely.	- No -	No
4. Any additional information relating to the prisoner.	Nil. The premature release of the convict is not recommended.	Yes

N Ramaiah 1465
District Supdt. of Police.

20/5
District Magistrate.

(Vide Government Memo No. 17013 prisons - II/50-3 Hom dated 31-8-50)

To N.Dis D2/ 6464./53.

The District Superintendent of Police,
South Kanara.

To.—

The Superintendent, Central Jail Cannanore through the District Magaistrate, South-Kanara Mangalore.

55 5 / 47

ANNEXURE. (to be returned)

Convict No. 2296 and Name. Nittappa Pujari

Note:

The Government directed that the previous history of the above prisoner should contain the information on the following points, and the District Magistrate and the District Superintendent of Police are requested to furnish the same.

1.	Report of the District Superintendent of Police. 2.	Opinion of the District Magistrate on the report of the S.P. 3.
1. What will be the reaction in the locality, if the prisoner is released prematurely.	Yes, there will be a reaction if the prisoner is released prematurely.	Yes
2. What will be the feeling of the relations of the victims or victim of the offence who suffered at the hands of the accused will be in the case premature release.	The relations of the deceased are likely to wreak vengeance if the accused if he is sole released prematurely.	Yes
3. Whether the life of the accused itself will be safe if he is to be released prematurely.	-No	No
4. Any additional information relating to the prisoner.	Nil. The premature release of the convict is not recommended.	Yes.

D.R. Ramaiah 1965
District Supdt. of Police.

12/1/ 2015
District Magistrate.

(Vide Government memo No. 17013 prisons - II/50-3 Home dated 31-8-50)

Dis N.Dis D2/6462 /53.

To. The ~~District Superintendent of Police~~, South Kanara.

The Superintendent, Central Jail Cannanore through the District Magistrate, South-Kanara Mangalore.

11-59
21-4

Resubmitted.

Convict Padil Thania Pujari s/o Late Boggiary of Bannur is one of the 4 convicts convicted to 3 years R.I. on 4.12.45 by the Sessions judge in S.C. 31/44 but in the appeal preferred to the High Court of Madras for enhanced punishment, the above said convict was sentenced to transportation for life along with the 3 other convicts referred to in CNO. 6462, 6464 & 6466/D2/53, which had been submitted to the Inspector of Police on 10.5.53

The same remarks offered in CNO. 6462, 6464 & 6466/D2/53 ~~for~~ with regard to the other 3 accused stand good to this convict also. Since the judgement of the Sessions Court & the High Court are ~~re~~submitted along with the above CNO. papers.

M. Madhavendra
S.I.E.
14.5.53

POLICE CIRCLE OFFICE
1 MAY 1953

Re Submitted

The relatives of the deceased in this case reside at Chickamanahalli adjoining the village of this convict. They are likely to wreak vengeance on this man - if he is released prematurely. Besides he is a habitual and is likely to trouble the witnesses who gave

evidence against him in the case. Under the circumstances of this case I do not recommend clemency

J. P. Duffy

E. Dwyer

14/3

57/57

ANNEXURE. (to be rreturned)

Convict No. 2297 and Name. Padil Thania Gujari

Note:

The Government directed that the previous history of the above prisoner should contain the information on the following points, and the District Magistrate and the District Superintendent of Police are requested to furnish the same.

	Report of the District Superintendent of Police.	Opinion of the District Magistrate. in the report of the Dist.P.
1.	2.	3.
1. What will be the reaction in the locality, if the prisoner is released prematurely.	The relatives of the deceased are residing in the adjoining Village of this Convict, and they are likely to wreak vengance, on the Convict if he is to be released prematurely	Yes.
2. What will be the feeling of the relations of the victims or victim of the case once the sufferred at the hands of the accused will be in the case premature release.	- No.	Yes.
3. Whether the life of the accused itself will be safe if he is to be released prematurely.	N.I. Under the circumstances stated above, the premature release of this Convict is not recommended.	Yes.
4. Any additional information relating to the prisoner.		

N.K. Ramaiah
District Supdt. of Police. 185

21/5/53
District Magistrate.

(Vide Government Memo No. 17013 prisons - II/50-3 Home dated 31-2-50)

To The Superintendent, Central Jail, Cannanore through the District Magistrate, South Kanara.

55

M.L.Dis.3605/53.

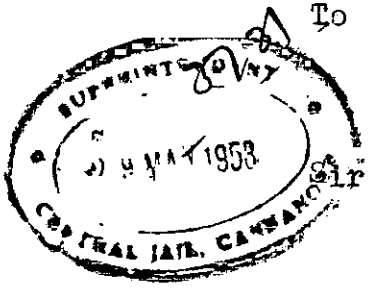
S.Kanara Dt.Magistrate's Office,
Mangalore dated 22---5---1953.

From

Sri A. Mahalingam Chettiar, B.A.,
Dt.Magistrate of South Kanara.

To

The Superintendent,
Central Jail,
Cannanore.



Sir

PRISONERS -- Central Jail Cannanore - Convict No.2297 Padil Thania Pujary - Premature release - Remarks.

--

Ref:-Your letter No.Nil dated 15.4.53.

--

The convict is reported to be of rowdy nature and is likely to take revenge on the witnesses. Also the relatives of the deceased are likely to wreak vengence on the convict. The Dt.Superintendent of Police South Kanara does not therefore recommend his premature release. I agree with him. The prisoner cannot be released permanently without injury to the community.

The records of enquiry ~~read-abe~~ received from the Dt.Superintendent of Police South Kanara are enclosed.

/By Order/

Magisterial Head Clerk.

sr/22-5

BY REGD POST.
M.L. dis.3604/53.

From South Kanara Dt. Magistrate's office,
Mangalore, dated 20---5---1953.

To Sri A. Nabalingam Chettiar, B.A.,
Dt. Magistrate of South Kanara.

The Superintendent,
Central Jail Cannanore

Sir,

Lr/29.5.53

SUBJECT -- Advisory Board - Central Jail Cannanore - convicts Nos.2293, 2294 and 2296 - Premature release - report.

--:o:--

Ref:-Your letters No. nil Dated 15-4-53.

--:o:--

The three convicts Nos.2293, 2294, and 2296 in the Central Jail Cannanore were originally sentenced to 3 years R.I by the Sessions Judge South Kanara. But on a appeal preferred by the Government to enhance the sentence the High Court took a serious view of the case and sentenced them to transportation for life.

Enquiry shows that there is grave enimity between the convicts and the family of the deceased and if the convicts were to be released now, the strained feelings between them and the family of the deceased would be revived and embodied instantaneously the relations of the deceased are likely to wreak vengeance on the accused and this may disturb the peaceful atmosphere of the locality. The Dt.Superintendent of Police South Kanara does not recommend the release of the convicts before the expiry of their full term of sentence. I agree with him. The prisoners cannot be released now without injury to the community.

2. The records of enquiry received from the Dt.Superintendent of Police South Kanara are enclosed.

/By Order/ 21/5

Magisterial Head Clerk.

sr/21-5

C. No. 130829 Ch IV/53.

602—26-2-52.

HOME DEPARTMENT.

G.O.Ms.No. 2504 Dated 6.-8.-53.

PRISONERS—Advisory Board { ~~The Penitentiary, Madras~~ / Central Jail, Cannanore. } Convict No. 2293, Sankappa Shetty alias Koraga Shetty and three others— ~~Release Ordered.~~ Release ordered.

READ—the following :—

P/C † From the Inspector-General of Prisons, No. 145/54/53 d. 22.6.53

ORDER—

In exercise of the powers conferred by section 401 of the Code of Criminal Procedure, 1898, ~~His Excellency~~ the Governor of Madras hereby remits ~~with effect from~~ ——— the unexpired portion (s) of the sentence (s) of ~~the imprisonment~~/ transportation for life passed on the prisoner(s) shown in ~~the~~ Annexure I to these proceedings subject to the condition that ~~he~~/they ~~will be of good conduct and will keep the peace for~~ ~~the period noted against them~~ execute a bond in the form specified in Annexure II to these proceedings.

The Supdt, C. J. Cannanore is requested to fill in the security amount in the bond in consultation with the R.D.O. of the place to which the prisoners belong.

To

~~The~~ Inspector-General of Prisons, Madras (with one spare copy).
" Superintendent, Central Jail, Cannanore.
" Registrar, High Court, Madras.
" ~~Additional~~ District Magistrate (~~P~~). South Kanara, Mangalore.
" Sessions Judge, South Kanara.
" Inspector-General of Police, Madras (with one spare copy).
" Secretary, Madras ~~Presidency~~ State Discharged Prisoners, Aid Society, 'Goschen Home', Teynampet, Madras.

S/c for file.

[Annexure. P.T.O.]

ANNEXURE. I

~~The Penitentiary, Madras~~
Central Jail, Cannanore.

Number and name of Convict including father's name.	Residential address including taluk and district.	Sentencing Court and Case No.	Sentence and date.	Date on which release should take effect.	Period of good conduct.
A2 2293, Sankappa Shetty alias Koraga Shetty Son of Pakiri Shetty. p130 ½	Sujiyar-Graman, Mangalore, S Kanara. p130 ½	Sessions Judge, S Kanara, S.C. No. 31/44. p1 of (F) High Court, C.A. 870/44 p13 of (F)	R.I. for three years 4-12-1944. Son p1 of (F) Sentence enhanced to transportation for life. 12.4.1945. m on p39 of (F)		to life.
A3 2294, Biliyoor Seshappa Shetty Son of Marappa Shetty. p150 ½	Biliyoor-Graman, Puthur, S. Kanara. p150 ½	Sessions Judge, S. Kanara. S.C. No. 31/44. p1 of (F) High Court C.A. 870/44 p13 of (F)	R.I. for three years 4-12-1944. Son p1 of (F) Sentence enhanced to		transportation for life. 12.4.1945.
A5 2296, Golithathu Aithappa-Poojary Son of Thania-Poojary. p170 ½	Kodimpadi-Graman. Puthur, S. Kanara. p170 ½	Sessions Judge, S. kanara, S.C. No. 31/44. p1 of (F) High Court C.A. 870/44 p13 of (F)	R.I. for three years. 4.12.1944. on p Sentence enhanced to transportation for life.		transportation 12.4.1945.
A6. 2297, Padil Thania Poojary Son of Koti Poojary. p190 ½	Bannur-Graman. Puthur, S. Kanara. p190 ½	Sessions Judge, S. Kanara. S.C. No. 31/44. p1 of (F) High Court C.A. 870/44 p13 of (F)	R.I. for three years. 4-12-1944. (F) Sentence enhanced to transportation for life.		transportation 12.4.1945.

Annexure II

H.E. Bond at Pp 2-3 of (H)

5/8/63

5/8/63

5/8/63.

C.No. 130829/Ch.IV/53.

Home (Courts.IV) Dept.

Prisoners - Advisory Board C.J. Cannanore - C.No.2293
Sankappa Shetty @ Koraga Shetty and 3 others.

From the I.G of Prisons No.145/S4/53 dt.22.6.53.

1. Name of Jail.		Central Jail, Cannanore.
2. Number & name of Convict.	1)	2293, Sankappa Shetty @ Koraga Shetty.
	2)	2294, Biliyoor Seshappa Shetty.
	3)	2296, Golithathu Aithappa Pujary.
	4)	2297, Padil Thania Pujary.
3. Father's name:	1)	Pakiri Shetty.
	2)	Marappa Shetty.
	3)	Thania Pujary.
	4)	Koti Pujary.
4. Residential address including taluk and district.	1)	Sujiyar Gramam, Mangalore, South Kanara.
	2)	Biliyoor Gramam, Puthur S.Kanara.
	3)	Kodimpadi Gramam. -do- -do-
	4)	Bannur Gramam -do- -do-
5. Court and case No.	1 to 4 (1)	S.J.S.Kanara S.C.No. 31/44.
	(2)	High Court. C.A 870/44.
6. Sentence & date with Section of Law.	1 to 4 (1)	R.I for 3 years. 4.12.'44 Sec.304 Pt.II I.P.C.
	1 to 4 (2)	Sentence enhanced to transportation for life. 12.4.45.
7. Date of completion of 2/3 sentence.	1)	17.9.50
	2)	1.8.50
	3)	13.6.50
	4)	1.5.50
8. Unexpired portion of sentence on 7.6.53.		Y. m. d.
	1)	3 2 3
	2)	2 11 12
	3)	2 8 4
	4)	2 6 18
9. Conduct in Jail.	1-4	Exemplary.
10. Recommendation of the D.M/D.S.P.	1-4	Not recommended.
11. Recommendation of the Board.	1-4	~~Not~~ Recommended.
12. Period spent in Jail. (Date of Occurrence - 4-12-44)	1-4.	8 years 6 months.

V/

The case of the prisoners referred to above has been resubmitted to Govt with reference to G.O.R.2401 Home dated 18.8.52. ~~The prosecution case briefly is as follows:~~ p73 of (W)

The prisoners were sentenced to R.I for 3 years for causing the death of one Narayana Rai. On appeal by the P.P, the High Court enhanced the sentence to transportation for life. ~~(The appeals of A2, A5, A6 & A6 and A7 & A8 were acquitted.~~ Sen p1 of (F) Mem p39 ibid

The prosecution case in brief is that there was a dispute between the deceased Narayana Rai and one Maila Rai, regarding the possession of a house in which the deceased was living and which he declined to give up. On the F.N of 17.3.44 the deceased was induced on the pretext of a panchayat to be held in the house of Maila Rai at Perne to set off towards Perne in the company of some of the prisoners. The deceased who was travelling with three of the prisoners in a car was stopped at a place called Kodiadi on the pretext that Sanjiva Rai would be coming on foot to meet them. Accordingly the deceased left the car and went into the coffee shop close by. The driver of the car was waiting in the vicinity and presently the deceased was carried out by three men, put into the car, and the driver was directed by two of the prisoners to take the deceased to the hospital at Puthur. This was done but on arrival at the local hospital the medical officer was not available, so he was taken in the same car to Mangalore 31 miles away, where he was given prompt attention. But he died the same evening. // This is the fourth time (Kal.) the cases of these prisoners have been considered by the Adv. Board. The police have not recommended their cases on all the four occasions. The Ad.Board did not recommend release on the last 3 occasions but recommends release now for the reasons that after their 2/3 rds sentence expired in 1950 they have remained in Jail for two years and 9 months, and the

p15 of (F) p17 ibid ibid p3c. f.

p3c.f

only reason against their release is that the previous enmity will be rekindled in the village, that this is not a sufficient ground for keeping these prisoners of exemplary character in Jail (and) that in their cases in the High Court enhanced the sentence of 3 years R.I to Transportation for life.

mm p397(F)

For orders whether in view of the adverse police report, their premature release will be sanctioned as recommended by the Adv. Board. If not it does not seem necessary to ask the board to consider their cases again after an year or two but the I.G. may be asked to submit their cases a month before their terms expire for formal orders of release, as their imprisonment sentence is about 3 yrs only

pp 43,46,47, 51, 53d 55 + p3c.f

For orders.

8
6/7/53. G
6.7.53

In this case, the prisoners, along with some others, decoyed the deceased (Narayana Rai) to an empty coffee hold and beat him severely with sticks and canes and thereby caused grievous injury which resulted in his death the same day. The Sessions Judge convicted the prisoners to 8 years R.I. under Section 304 I.P.C. In appeal, the High Court enhanced the sentence to transportation for life.

The prisoners have spent over 8½ yrs in jail and the unexpired portions of the sentences range from 2½ years to 3 years. The police filed the D.F. do not recommend premature release on the ground that if they are released, the old enmity between the party of the deceased and the prisoners will be re-kindled and may result in breach of peace. The Advisory Bd has however recommended premature release

51

H (Navi)

CM (F) p1

bi 6.7.53

pp 43, 46, 47, 51, 53 + 55 f

p3 c f

Y p 7/7

4/

130829

4/8/7

As the unexpired portion of the sentence in the case of all the four prisoners is 3 years or less, and as they have spent over 8 yrs in jail I see no consideration whether the recommendation of the Advisory Board may be accepted and the prisoners released prematurely

H.B.Shetty
9/7/53 Govt

U.S.

Advisory Board, this

[illegible] premature release of the Convicts, the D.S.P. and the D.M. have opposed the release on the ground that the village they hail from is factious, and this release will revive the animosity and lawlessness which are dormant now But as these prisoners would have served out their full term in a little over three years and would have to be released then, the local authorities will have to maintain the peace as best as they can, when this happens. From this point of view, the premature release of the prisoners does not appear ruled out For orders

J. Subbuswamy.
8 Jul 53

ADDITIONAL ASST. SECRETARY TO GOVERNMENT
9 JUL 1953
HOME DEPARTMENT

M (Law) may be moved
K.P.K.
8-7-53

SECRETARY TO GOVERNMENT
9 - JUL 1953
HOME DEPARTMENT

C.M. - C. Ratnaparkhi
8-7-53

JOINT SECRETARY TO GOVERNMENT
9 - JUL 1953
HOME DEPARTMENT

PTC

C. No. 130829 Ch. III
53.

Home Dept.

Please see the orders in circulation on P4 ante.
A draft order is submd for approval.

5/8/53

May move
5/8/53

DS, has since approved a similar draft: Move
5/8/53

+ vide Cpy. 140194/53

Issued as G.O.M.S. 2504 Home d 6.8.53

Assessor Case

In the Court of Sessions, S. Kanara.

November Sessions

Monday, the 4th Day of December, 1944

Present :- B. Kowan, Esqr., I.C.S.
Sessions Judge

Session Case No. 31 of 1944.

Names of the Accused
1. Renjaje Kunhaya alias Kunhanna
CW. 2293 2. Sankappa Shetty alias Kovaga Shetty
CW. 2294 3. Biliyoor Sheshappa Shetty
4. Nekraje Venkappa Shetty — acquitted
CW. 22765. Golithattu Aithappa Pujary
CW. 22976. Padil Thania Pujary

Charge — Murder - Section 302 I.P.C read with Section 34 I.P.C.

Assessors — Messrs. 1. B. Raghavendra Baliga (G.S. Brahmin)
2. Rudolph Rosario (R.C. Christian)
3. Gilbert Penus (do)
4. M.G. Nazareth (R.C. Christian)
permitted to be absent from 23.11.1944

Opinion of Assessors — All the three assessors are unanimous in their opinion that the Accused are not guilty

Finding of the Judge:- Sentence. — Guilty under Sec 304 Pt. II I.P.C. Each of the accused is Sentenced to 3 years' rigorous imprisonment

The accused were defended by Messrs. B. Narsing Rao and A. Shankar Alva and accused 1, 2 and 4 were also defended by Mr. G. Somashekar Rao (Private Defence)

The Case was Committed by Mr. B.G. Pinto, B.A., Stationary Sub Magistrate, Puttur, in R.C. No. 9 of 1944 on his file (F.I. No. 17 of 1944 of Puttur Police Station)

JUDGMENT.

The Six accused are charged with having Committed an offence under Section 302 I.P.C. read with Section 34 I.P.C

2. The charge sheet in this Case was originally filed against 11 accused including one Naila Rai. These six accused now before the Court, and another were arrested and the others were absconding. So the Committal Court proceeded with the enquiry as against the 7 accd

that were apprehended. Evidence has been let in by this Court that Subsequent to this Committal order, Maila Rai died in the Mangalore Wenlock Hospital about 10 days before the trial of this Case in the Sessions Court Commenced. Of the 7 accused against whom the preliminary enquiry was Conducted, the Sub Magistrate, who Conducted the enquiry, discharged one of them, 7th accused in the Committing Court under Section 209 (1) Cr. P.C. and Committed the rest, the present accused to Sessions to stand their trial

3. The prosecution Case very briefly is that, these accused and the others who were absconding, decoyed the deceased Narayana Rai to the Coffee hotel of Appayya Shenoy, P.W.-8, which was got vacated that day for that purpose and there, the deceased was beaten with Canes and Split areca sticks on his hands and feet and that the injuries thereby Sustained resulted in his death

4. The deceased Narayana Rai and Maila Rai, the accused who died Subsequently were members of the Bellipady family. From the prosecution evidence it is seen that there was Considerable enmity between these two men. The prosecution witnesses themselves admit also that the deceased Narayana Rai was a person of bad character who used to Commit robbery and even violate women. At the time of the present occurrence there were 5 charge sheets of robbery Pending against him. He appears to have been in the habit of going about with a body guard of men with him among whom admittedly were P.Ws 11 to 13.

5. The prosecution Case as to what transpired on the day of occurrence is found stated in Exhibit B, the dying declaration recorded from the deceased Narayana Rai at the Wenlock Hospital the Same evening of the day of occurrence by P.W.-1 who was then the Sub-Magistrate at Mangalore. Therein he states that the deceased accused Maila Rai looks after the management of the Bellipady family to which family he also belongs and that there was ill-feeling between both of them because he refused to vacate the house he was living in as wanted by Maila Rai.

6. P.W. 10 Ananda Baliga, the Agent of the Shankar Vittal Bus office at Puthur states that, on the night prior to the occurrence at 8 P.M. the deceased Narayana Rai wanted a ticket to go to Mangalore by the bus leaving at 7 A.M. the next morning. The deceased did not turn up at 7 A.M. but at 8 A.M. he met P.W. 10 and wanted a ticket by a bus for Mangalore leaving at 10.15 A.M. He Came again at 9 or 9.30 A.M to P.W. 10 and wanted the time to be altered to the bus leaving at 1.15 P.M. instead. on that occasion he was accompanied by accused 3 and 5. He did not turn up Subsequently

7. P.W. 8 Appaya Shenoy states that he has a Coffee hotel by the Road Side at Kodidi. Nearby his Coffee hotel is 5th accused's tavern. Attached to the Coffee hotel is a building in which P.W. 8, his wife and his mother live. On the day the deceased was injured, accused 1 to 4 and one Shetty went to P.W. 8 and wanted him to

vacant that day. He did not agree at first but on being informed that Maila Rai had sent them, he vacated the Hotel and took his wife and mother to the Hills 3 miles away to bring firewood and remained there till 4 P.M.

8. The same morning the deceased Narayana Rai accompanied by his brother Kittanna Rai, who was the 7th accused in the Committal Court and was discharged subsequently, went to P.W. 5 Dere Mulya and wanted the loan of the Car belonging to P.W. 6 Appu Rao, for which Dere Mulya was the driver, to go to Uppinangady. P.W. 5 the Driver took them to his master P.W. 6 Appu Rao and having obtained his consent three people started from Puttur at 10 or 10.30 A.M. At Bolwar, One Mile from Puttur, seeing accused 3, 5 and 6, the deceased stopped the Car and took them into the Car in the back seat. The deceased was sitting in the front seat on the left side of the driver and the others behind.

9. Meanwhile P.Ws 11, 12 and 13 who state that they usually go with the deceased Narayana Rai as a sort of body-guard to him, at his instance went from Puttur walking with the intention of going to the house of Maila Rai and Sanjiva Rai at Perne. At 10 A.M. that morning the deceased Narayana Rai had met P.W. 12 at Puttur and had told him that, as there was a Panchayath at Perne in the house of Maila Rai and Sanjeeva Rai by Maila Rai regarding the deceased's brother Kittanna Rai, the deceased was going there and that P.W. 12 should take P.Ws 11 and 13 with him and go there. When these 3 people were near Kodiadi on their way to Perne, the Car in which the deceased was travelling overtook them. P.W. 12 saw accused 3, 5 and 6 in the back seat and the deceased in the front seat of the Car. The deceased waved to them to proceed quickly. Then, according to the Driver, P.W. 5, the Car proceeded further. On the Car reaching Kodiadi, at 5th accused's instance, the deceased got P.W. 5 to stop the Car, and all those in the Car got down and started walking back in the direction of Puttur. P.W. 5 took the Car a little away. He stopped it under the shade of a tree about 30 yards away. The Coffee hotel there is about 40 yards from where the Car was stopped. About 10 minutes later Kittanna came back and sat in the Car and another 10 minutes later P.W. 5 heard cries from the Hotel side "Beaten & Killed". Whereupon Kittanna Rai who was in the Car ran away towards Uppinangady side. P.Ws 11, 12 and 13 state that, by the time they reached the Coffee hotel, they heard cries and when they went near they saw accused 1 to 6 and Ganada Subba and Gangu Shetty beating the deceased inside the hotel with Caner and areca splits. The deceased had fallen down in a room in the hotel where he was being beaten. All these 3 witnesses state that, accused 5 and 6 threatened them saying "Have you too, you whore's sons, Come here" and chased them with Caner. Of these 3 witnesses only P.W. 12 states that, before accused 5 and 6 chased them, One Bappaliga Mahalinga, who was standing on the Road side said "These Rave Come, let us beat them".

Now one

and it was thereupon that accused 5 and 6 chased them. These 3 witnesses then ran back to Puthur by a short cut.

10. The driver Dere Mulya states that about 10 minutes after hearing cries "Beaten and killed", a man from the Coffee hotel asked him to take the Car back to the hotel and when he did so, 3 persons carried the deceased and placed him in the Car. Accused 2 and 3 came from the side of the Coffee hotel, sat in the Car, and asked P.W. 5 to drive the Car to Puthur Hospital. On the way at Padil, 1½ miles from Puthur Hospital, accused 2 & 3 got down and asked P.W. 5 to take the deceased to the Hospital.

11. P.W. 7 Gopal Baliga, who was coming along the Road from Uppinangady to Puthur about noon, saw accused 2 & 3 get down from P.W. 5's Car and also saw a man lying in the Car. The Car then proceeded towards Puthur. P.W. 7 states that accused 2 and 3 overtook him and got into the Compound of Perne Maila Rai's house.

12. P.W. 5 states that, on the way from Padil to Puthur, the deceased's brother-in-law stopped the Car near the police station and got into the Car which was then driven to the Puthur Hospital. The Doctor happened to be absent from the hospital. According to P.W. 5, the Compounder, D.W. 3, spoke to the deceased Narayana Rai and the deceased then asked P.W. 5 to drive the Car to Mangalore hospital. Meanwhile, according to P.W.s 11 to 13, when they had returned to puthur, they learnt that the deceased had been brought to the Puthur Hospital. So they went there and then accompanied the deceased in the Car to Mangalore. Before leaving for Mangalore, according to P.W. 5, he drove the Car to the Hari Hara Press where his master was and took his permission to take the Car to Mangalore.

13. P.W. 2. The Sub-Asst. Surgeon attached to the Wenlock hospital Mangalore, states that, at about 2.20 P.M. on 17.3.1944 he admitted the deceased Narayana Rai to the Hospital with injuries and sent intimation Exhibit A to P.W. 1, the Sub Magistrate, and Exhibit A-1 to the Police and then attended to the injuries on the deceased. P.W. 1, on receipt of Exhibit A, went to the Wenlock hospital and recorded Narayana Rai's dying declaration Exhibit-B. And P.W. 9, the Head Constable in Mangalore on receipt of Exhibit A-1 from P.W. 2 at about 3.30 P.M. went to the Hospital and recorded Narayana Rai's Complaint, Exhibit F. P.W. 2 states that the deceased died on the same night at about 10 P.M. and that he then sent intimation to the police. The Post Mortem Examination subsequently on the deceased's Body was made by P.W. 4, the Asst. Medical officer-in-Charge of the Wenlock Hospital. That was on 18.3.1944. Exhibit C is the Post Mortem Certificate given by P.W. 4. According to P.W. 2 he found on the deceased when he admitted Narayana Rai all the external injuries mentioned in the Post Mortem Certificate. The injuries consisted of Contusions Lacerated wounds, Bruises and abrasions on the hands and legs with fracture of some of the bones of the limbs. Death was, in the opinion of P.W. 2 the result of shock and haemorrhage as a result of the multiple injuries. He states that death was the result Cumulative effect of all the injuries, which could have been caused

by beating with a blunt weapon like an areca Split or a Stout Cane.

Stater that the fractures were all Small and that Single fractures of the hands & legs are rarely fatal but a number of fractures they prove fatal and that in the present Case none of the injuries individually are Sufficient in the Ordinary Course of nature to Cause death. He adds that he had noted the injuries on the deceased Narayana Rai in the accident Register which was Subsequently Sent to the Sessions Criminal Court and is not now traceable.

(14) P.W. 14 a head Constable attached to the Puttur Police station, states that the First information report, Exhibit G. in this Case was received in the Puttur Station on the night of 17.3.1944 and was received by him the next morning. He thereupon proceeded to the Scene of occurrence, the Coffee Hotel of P.W. 8 and prepared an observation Yadast, Exhibit H. He found the floor of the Hotel freshly Smeared with Cow dung but under the Cow dung he Saw black Marks which he took to be blood marks. He, therefore, Scraped those places. The earth So Collected is M.O. 1. He also Suspected blood marks on a Bench. He Seized Portions of that bench which are M.Os 2 Series. He examined P.W. 8 and Some others that day.

15. The Station House officer, Puttur, P.W. 15, happened to be at Mangalore on 18.3.1944 and at 8.30 A.M. that day he received information about Narayana Rai's death in the Wenlock Hospital. He went to the hospital and awaited the Sub Inspector who was holding inquest there and then Sent the body to P.W. 4 for Post mortem Examination. He then went with P.W. 16, the Circle Inspector to Puttur and Examined P.W's 5 and 11 to 13 that day. He also visited the Coffee hotel the alleged place of beating. He verified the observation Yadast prepared by P.W. 14 and himself prepared Exhibit J, an Eye-Sketch of the place. The next day 19.3.1944 he examined P.W's 6, 7, 10 and others. He also Speaks to the arrest of the Various accused on the different dates and of the other accused Still absconding. He states that Maila Rai, One of the absconding accused died in the hospital on 12.11.1944.

16. P.W. 16 who was the Circle Inspector of Police of Puttur for the last 2½ years speaks to the ill. feeling between Maila Rai and the deceased Narayana Rai.

17. According to P.W. 8, Appaya Shetty, on the evening of the occurrence after he returned to the hotel at 4 P.M. 5 the accused Came to the Hotel and asked this witness to have the place Smeared with Cow dung. He Saw blood on the Verandah. P.W 8 then cleaned up the place with Cow dung. It was then about 5 P.M.

18. P.W. 3 is the Mazerkhal Clerk of the Puttur Stalemany Sub Magistrate's Court. He Speaks to the receipt of the properties in his Court and of the blood Stained articles being Sent to the Chemical examiner for report and also proves the report of the Chemical Examiner.

19. 1st Accused when questioned States that One Balakrishna Rai and who was Sentenced to transportation in a murder Case was released that he, along with the Ejaman of the Ballipady family, and her Son, Thukrappa, have foisted this Case against this accused thinking that he was a henchman of Maila Rai with whom Balakrishna Rai had disputes. He denies that he has anything to do with Maila Rai, being neither his relation nor a tenant and adds that the

witnesses had deposed against him at the instance of the police and Thukrappa and others.

20. All the other accused make Similar Statements to that of 1st accused.

21. Five witnesses were examined for the defence.

22. D.W.4 Thukrappa Rai states that, he lives in Sorake, — 7 miles from Puttur, and that, at about 10.30 A.M. on — 17.3.1944 he was beaten near the Gate of Purnalika Bhat, which is about 2 furlongs from the Puttur Government Hospital, by One Narayana Shetty - the husband of this witness's niece's daughter. As he received injuries on his hands, legs and head, he was taken to the Government Hospital, at Puttur, by one Chanda, and P.W.10 Manjappa, which they reached at 11 A.M. Both this witness and D.W.3, the Compounder of the Puttur Hospital, state that as D.W.1 the Doctor, was not there, D.W. 3 could not admit D.W.4. D.W.4 was asked to wait outside and at that time D.W.5 one Krishnappa Pujary and P.W.12 were present.

23. D.W.5 states that, on hearing that D.W.4 had received injuries, he went to the Puttur Hospital. On the way P.W.11 joined him when he went to the Hospital with P.W.11, he found P.W.12 fanning D.W.4 D.W.5 also states that, while he was ~~[illegible]~~ talking to D.W.4, the deceased came in a Car and P.Ws. 11, 12 and D.W.3 went near the Car. D.W.5 Did not go near the Car, but after the Car left he was told by D.W.4 that the deceased was brought in the Car as I was not there he had been taken to Mangalore. D.W.4 stayed on in the hospital that night and was admitted into the Hospital the next day, when he remained as an in patient for 10 or 12 days. D.W.4 also proves Exhibit IX, the Certified Copy of the Complaint that he filed later regarding the injuries received by him.

24. D.W.1, the Asst. Surgeon in charge of the Puttur Government Hospital, states that he was absent from the Station on 17/3/1944 and that on 18.3.1944, after he returned, he examined D.W.4 for injuries and that D.W.4 had told him that the injuries were caused about 10.30 A.M. the previous day and that he had come there the previous day also. Exhibit VIII is the Certified Copy of the Wound Certificate granted by this witness to D.W.4. This witness states that it contains what he had noted in the Accident Register.

25. The Prosecution eye-witnesses to the occurrence are P.W.s 11 to 13. There are Several reasons why their evidence has to be looked into with Considerable Suspicion. They are partisans of the deceased Narayana Rai and his kinsmen in various nefarious acts which the deceased Narayana Rai is alleged to have committed while he was alive. The evidence is that there is a direct foot path from Puttur to Perne. If, as stated by these witnesses, they were asked to go to Perne to the House of Maila Rai and his brother Sanjeeva Rai, there is no reason why they should take a longer route by the Public Road If Narayana Rai had any Suspicion of foul play and wanted these 3 men as his body guards, he could have given them Sufficient time to go to Perne

These 3 witnesses Could not by any means have known that Narayana Rai would be proceeding to Kodiadi, where he is stated to have been assaulted. They now state that they took the longer route by road obviously to explain their presence at Kodiadi. The very fact that they state that, they reached Kodiadi at the Psychological moment when the beating was going on, appears highly artificial evidence. All the 3 of them state that they witnessed the occurrence, though only for a moment, and that they were driven away from there by accused 5 and 6. If that is so there was hardly any opportunity for these witnesses to have noted the details regarding the occurrence as to who were the people that were assaulting Narayana Rai. There is also the fact that, according to their evidence, they left Puthur only at about 10 A.M. or even later. According to P.W. 13 they left only at 10.30 A.M. According to P.W. 13 the distance from Puthur to Kodiadi is 4 miles. He states that they saw the occurrence and got back to Puthur by a Short Cut. Even then there was hardly time for them to have reached Puthur hospital later by about 12 noon when the deceased was brought there in a Car. Obviously realising their difficulty they said that they got back to Puthur by a Short Cut.

26. P.W. 14, the Head Constable attached to Puthur Station for the last 1½ years, states that he knows the locality fairly well. He states that he does not know whether there is a Short Cut from Kodiadi to Puthur. He would undoubtedly have known about it if there was such a Short Cut. These reasons in themselves are sufficient for disbelieving the evidence of P.W. 11 to 13 that they were eye-witnesses to the occurrence. There is also the defence evidence let in to show that these witnesses could not have gone to Kodiadi that day and witnessed the occurrence. It is unnecessary to discuss that evidence in view of the fact that even without the defence evidence there are sufficient circumstances for disbelieving the evidence of P.Ws 11 to 13 that they were eye witnesses to the occurrence.

27. But there can be little doubt that the deceased Narayana Rai received his fatal injuries by being beaten with canes and area splits in the Hotel of P.W. 8. According to P.W. 8, on the morning of the occurrence at about 9.30 A.M. accused 1 to 4 and one Gangu Shetty went to his Hotel and wanted him to vacate it. In his chief examination he stated that it was about 8 A.M. and in Cross-Examination he stated that it was about 9.30 A.M. It is likely that he has no knowledge of the correct time when these men went up to him. But there is nothing in the evidence recorded to show that he bears enmity to any of the accused. There appear to be no reasons whatever why he should implicate any of the accused falsely in this Case. The defence have tried to contend that his evidence should not be believed, because it is not likely that he would go with his wife and mother and stay in the Hills till 4 P.M. merely at the suggestion of these accused who went to him. He states that, because they told him, that they were doing so at the instance of Naila Rai, he agreed to vacate the Hotel. There is little doubt that Naila Rai was an influential man in those parts, and there is nothing therefore surprising in a petty

hotel keeper vacating his hotel for the day at the instance of Maila Rai. This witness's evidence is that, later in the evening, 5th accused returned to the hotel and wanted him to cover up the blood stains by cleaning up the spots where the blood stains were by smearing with cow dung. The evidence of this witness, therefore, throws suspicion against accused 1 to 5 and Ganga Shetty as participants in the conspiracy to have Narayana Rai that day at the hotel.

28. P.W.10 is the agent of the Shankar Vittal Bus office at Puthur. He states that when the deceased went to him at about 9 or 9.30 in the morning that day, 3rd accused and 5th Accused were with him.

29. Then there is the evidence of P.W.5, the driver of the Car. When one reads through his evidence one gets the impression that, though he is practically speaking the truth as regards all the incidents that transpired that day, he is trying to be very careful to see that he does not incriminate himself in any way. It is possible that he was in the know of what the conspirators intended doing, but this does not in itself mean that his evidence need be disbelieved. After taking the permission of his master, P.W.6, P.W.5 drove the deceased Narayana Rai and his brother Kittana Rai towards Perne. P.W.5 states that when he had driven about one mile from Puthur they overlook accused 3, 5 and 6 and the deceased asked him (P.W.5) to stop the Car and asked accused 3, 5 and 6 to occupy the back seat. He did not see P.Ws 11 to 13 on the road, though P.Ws 11 to 13 state that they saw the Car passing them, that accused 3, 5 and 6 were in the back seat and that the deceased waved to them to go quickly. According to P.W.5, when they reached Kodiadi, at 5th accused's instance the deceased asked P.W.5 to stop the Car and after the Car was stopped all those in the Car got down and walked behind the Car towards Puthur side. P.W.5 stopped the Car at some distance away and heard the cries "beaten and killed" and a little later, when as required he took his Car back to the Coffee hotel 3 persons carried the deceased and placed him in the Car and accused 2 and 3 got into the Car and asked P.W.5 to drive the Car to Puthur Hospital. The fact that accused 2 and 3 got down from the Car before reaching the hospital is corroborated by P.W.4, who states that they overlook him after the Car left and that they walked into the Compound of Maila Rai. No doubt he admits in Cross-Examination that, there are very many houses and fields beyond that Compound and, that one can pass through that Compound to go to those houses and fields and that, he does not know where accused 2 and three went after entering that Compound. A little further up, the deceased's brothers-in-law got into the Car and went to the Puthur Hospital where they learnt from D.W.3 that the Doctor D.W.1 was not there. According to P.W.5, P.Ws 12 and 13 and the Clerk Narayana Shetty got into the Car. According to P.Ws 11 to 13 they three went in the Car and not Clerk Narayana Shetty. No reasons are shown why P.W.5 should implicate any of the accused

From 9 onwards

In Cross Examination he states " I do not know if witnesses Nemu, Manjappa, Narayana and Babu (P.Ws 11 to 13) Questioned the deceased as to who Caused him the injuries." Obviously his stating that Clerk Narayana Shetty was in the Car, and not mentioning the name of P.W.11 as having got into the Car at Puthur, must be a slip. Though he states that he asked the deceased at Padil, when the others had got down from the Car, as to who had beaten him He did not say that the deceased told him as to who beat him. It is difficult to believe P.W. 5 when he states that, though he was with the deceased from the Coffee Hotel of P.W.8 till the deceased reached Mangalore hospital, he did not ascertain as to who had Caused the injuries on the deceased He denies having learnt as to who the assailants were, probably out of fear of the assailants. This witness's evidence finds Corroboration not only in the evidence of P.W. 7 but also from the deceased's dying declaration Exhibit B. As stated by the latter P.W. 5, in the dying declaration the deceased has Stated that accused 3, 5 and 6 and the deceased's younger brother Kittanna accompanied him in the Car. He also states that 5th accused got down at Kodiadi and spoke to (P.W.) 4th accused and then 5th accused told the deceased that Sanjeeva Rai would Come by a Shorter route and not by the public Road and he then proceeds to describe how he was beaten. In exhibit B, he states that, accused 1 to 4, Ganada Subba, Gangu Shetty and a Potter black in Colour whose name he does not know, beat him. As regards the return Journey he Corroborates the evidence of P.W. 5 as to How accused 2 and 3 accompanied him in the Car and how they got down near Maila Rai's house at Padil. No doubt in Exhibit B the deceased does not say that P.Ws 11 to 13 accompanied him from Puthur to Mangalore. In exhibit F, his Complaint to the police, the deceased has given a Similar Version as that in Exhibit B. It is not likely that the deceased, who received such a Severe beating, would leave off the real Culprits and implicate others, merely because they happened to be followers of Maila Rai.

30. The accused state that the Case has been foisted against them by Balakrishna Rai, who had just been released after undergoing transportation for life in a murder Case and also by the Etaman of the Bellipady family and his Son Thukrappa as there 3 people think that the deceased and accused are the henchmen of Maila Rai with whom they are not on good terms. 1st accused states that he is not a Letdown or a follower of Maila Rai. So also 2nd accused. There is no evidence whatever to show that Balakrishna Rai, Thukrappa Rai or the Etaman of the Bellipady family got any one near the deceased, Subsequent to the Occurrence, so as to inspire the deceased to give a false dying declaration or a Complaint falsely implicating these accused. In exhibit B the deceased states "All the others and he (3rd accused) beat me then with Canes and areca splits." Earlier he stated that all the accused were present there. In Exhibit F, though he does not state that 5th accused and 6th accused beat him, he speaks to the presence of 5th accused also there and of his having taken a leading part by offering a tender Coconut to Start with and he speaks to 6th accused having accompanied him in the Car to that place.

Sd/- [illegible]

31. I Consider that the prosecution has satisfactorily proved that all the 6 accused took part in getting the deceased to P.W. 8's hotel that morning and they beat him and they Caused the injuries which resulted in his death Subsequently

32. The only question that remains to be Considered is whether the accused, in doing so, intended to murder the deceased or to Cause such bodily injuries to him as were likely to result in his death. The evidence is that he was beaten with Split areca sticks and with Canes. There were Small fractures of Some of the bones of his arms and legs, and the injuries were all Confined only to his arms and legs. None of these injuries was, by itself, likely to prove fatal. If it was the intention of the accused to Cause such injuries as were likely to Cause his death or to murder him, it would not have been difficult for them to Cause such injuries. The deceased, in his dying declaration, admits that he had a knife with him which was snatched from him. That very knife Could have been used to kill him. It Seems more likely that, the accused intended to give the deceased a Sound thrashing and probably to maim him and in doing so they must have realised that death was likely to be Caused. I Consider that the offence that the accused are guilty of, in having beaten the deceased that day, would fall under Sec. 304 Pt. II I.P.C.

33. Of the four Assessors one Assessor was permitted to stay away, and the other 3 Assessors are of opinion that the accused are not guilty of any offence. I disagree with their opinion.

34. I Convict the Six accused under Sec. 304 Pt. II I.P.C. Narayana Rai's high handed and atrocious acts were mainly responsible in making the accused act as they did in trying to maim him and prevent him from Committing more mis-deeds. Taking these facts into Consideration I Sentence each of the accused to undergo three years' rigorous imprisonment.

Dictated to the Short hand Writer, transcribed by him and pronounced in open Court this the 4th Day of December 1944.

(Sd) B. Komaru
Sessions Judge.

N.B. The accused will be Conveyed in the Central Jail Cannanore.

APPENDIX

The following witnesses were examined

FOR Prosecution

1. Sri. A. Sadananda Pai (Thasildar)
2. Dr. B.M. Baliga (Sub. Asst. Surgeon)
3. Sri. K.V. Kunhappa (Magisterial clerk)
4. Dr K.E. Pothan (Asst. Dt. Medical officer)
5. Dere Mulya
6. Sankarshana Pai
7. Gopala Baliga
8. Appaya Shenoy
9. Duggappaya (H.C. 41)
10. Ananda Baliga

(14) 11 Fol 1943 ~~1943~~

11. Babu Naika.
12. Manjappa Gowda
13. Nemu Bhandary
14. K. Subbaya Naika (H.C.75
15. Mr. S. Nicholds (Sub. Inspector)
16. Sri. N. Sanjiva Rao (Circle Inspecti

FOR DEFENCE

1. Dr. N.S. Krishna Iyer (Govt Asst. Surgeon)
2. Malinga Gowda
3. K. Upendra Kamath (Compounder)
4. Thukrappa Rai
5 Krishnappa

The following exhibits were filed:-

FOR PROSECUTION.

A 17.3.1944 Intimation Sent by P.W.2 to P.W.1 to rec the Dying declaration of the deceased

A1 do. do by P.W.2 to the Police Station

B do Dying declaration of the deceased recorded by P.W.1.

C. 18.3.1944 Post mortem Certificate.

D. 24.4.1944. Requisition Sent by the Police to the Sub. Magistrate to Send the blood stained articles for chemical analysis.

D1. 6.5.1944. Office Copy of letter Sent by the Sub. Magistr to the Chemical Examiner.

D2. 13.5.1944. Report of the Chemical Examiner.

E. 5.4.1944. Statement of P.W.8 under Sec. 164 Cr. P.C

E1. do Portion marked in do

F 17.3.1944 Statement of the deceased recorded by P.W.

G do Fwish Information Report 51/44 of Mangalore South Police Station.

H 18.3.1944. observation yadast.

J do Eye-sketch of the Scene of offence

K to K5 10.10.1944 Statements of accused 1 to 6 in the Lower Court

L 6.4.1944 Deposition of D.W.5 in the Lower Court

M 1.4.1944. Statement of do under Sect. 164 Cr. P.

P.T.O.

A 12

FOR DEFENCE

I.	27. 3. 1944	Statement of P.W. 11 under Section 164 Cr. P.C
II.	6. 9. 1944	Deposition of do in the Lower Court
II(a) & II(b)	do	Portions Marked in do
III.	6. 9. 1944.	Portion Marked in the deposition of P.W. 12 in the Lower Court
IV.	27. 3. 1944	Statement of do under Sec. 164 Cr. P.C
V.	31. 8. 1944	Memo filed by the Asst. Public Prosecutor in the Lower Court to record the evidence under Sec. 512 Cr. P.C. regarding the absconding accused.
VI	7. 8. 1943.	Petition of Bappaliga Mahalinga to the District Superintendent of Police, South Kanara.
VII	7. 9. 1944	Deposition of P.W. 16 in the Lower Court.
VIII	18. 3. 1944	Certified Copy of Found Certificate granted by D.W. 1 to Thukrappa Rai (D.W. 4)
IX	31. 3. 1944	Do of Complaint in CC. No. 161/44 filed by D.W. 4 in the Sub Magistrate's Court Puttur

MATERIAL OBJECTS

Earth

2 Se... Pieces of Bench (Planks)

(Sd) B. KOMAN

Sessions Judge

(True Copy)

By order

Sheristadar

(Sessions Judge)

WORDS: 5971

Compared by TBS

S. P. W., LTD., Mangalore

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Thursday, the twelfth day of April

One thousand nine hundred and forty five.

Present:-

The Honourable Mr. Justice Byers

and

The Honourable Mr. Justice Yahya Ali.

Criminal Appeals Nos.870 of 1944 & 173 of 1945

and

Criminal Revision Case No.226 of 1945.

1. Renjaje Kunhaya alias Kunhanna Shetty 2. Sankappa Shetty alias Koraga Shetty 3. Biliyoor Seshappa Shetty 4. Nekraje Venkappa Shetty 5. Golithattu Aithappa Pujary 6. Padil Thania Pujary	Appellants in C.A.No. 870 of 1944 and respondents in C.A.No. 173 of 1945 and in Crl.R.C.No.226 of 1945 (Accused Nos. 1 to 6.)
The Public Prosecutor, Madras ..	Aprellant in C.A.No.173 of 1945 and Petitioner in Crl.R.C.No.226 of 1945.

C.A.No.870 of 1944:

H. Ct. No. 523—502—16-12-44.

The accused Nos. 1 to 6 were directed to be released on bail by Order of the High Court, dated 22-12-1944 on Criminal Miscellaneous Petition No.1207 of 1944.

1898 against the order of acquittal of the respondents therein (accused Nos.1 to 6) of the offence under section 302 I.P.C. passed by the Court of Session of the South Kanara Division in Case No.31 of the Calendar for 1944.

Crl.R.C.No.226 of 1945:

Petition under sections 435 and 439 of the Code of Criminal Procedure, 1898, praying the High Court to revise the order of the Court of Session of the South Kanara Division dated 4-12-1944 and made in Case No.31 of the Calendar for 1944 and enhance the sentence passed on the accused therein.

These appeals and the petition coming on for hearing yesterday and this day, upon perusing the petitions of appeal, and the revision petition, the record of evidence and proceedings before the Court of Session and upon hearing the arguments of

Mr.Rolland Bradell for Mr.Lakkappa Rai and Mr.S.Ramayya Nayak and Mr.C.S.Vidyasankaran counsel for accused Nos.1, 2 and 4,of Mr.K.S.Jayarama Ayyar for Mr.Lakkappa Rai and Mr.S.Ramayya - Nayak and Mr.N.T.Raghunathan counsel for accused Nos.5, 6 and 3 and of the Public Prosecutor on behalf of the Crown in all the cases the Court delivered the following

J U D G M E N T.

(Judgment of the Court was delivered by Byers, J.)

The six appellants have been convicted by the learned Sessions Judge of South Kanara of culpable homicide not amounting to murder and they have been sentenced to rigorous imprisonment for three years under the second part of Section 304 of the Indian Penal Code. The deceased was a member of a large and well-to-do family in South Kanara known as the Bellipady family, but he was a person of bad character against whom there had been numerous complaints of violence of one form or another. Several charge-sheets of robbery had been filed against him; and his brother, Kittanna Rai, was in a similar position as there was a Sessions Case pending against him at the time of the occurrence.

According to the prosecution there was a dispute between the deceased and one Maila Rai, said to be the managing member of the family at the time, regarding the possession of a house in which the deceased was living and which he declined to give up. The appellants and others who have not yet been arrested are said to be the henchmen of this Maila Rai, and it is the prosecution case that on the forenoon of 17th March 1944 the deceased was induced on the pretext of a panchayat to be held in the house of Maila Rai at Perne to set off towards Perne in the company of some of the accused. The shortest and quickest route to Perne is by road to the hamlet of Kodiadi and thence by a footpath to Perne, although the journey can be performed

entirely by road by taking a more circuitous route through - Uppinangady. According to the prosecution evidence the car in which the deceased was travelling with three of the accused was stopped at Kodiadi on the pretext that Sanjiva Rai would be coming on foot by the short cut to meet them. Accordingly the deceased left the car and went into the coffee shop close by. The driver of the car and was waiting in the near vicinity and presently the deceased was carried out by three men, put into the car, and the driver was directed by two of the accused to take the deceased to the hospital at Puttur. This was done but on arrival at the local hospital the medical officer was not available, so the victim was taken in the same car to Mangalore 31 miles away, where he was given prompt attention. In spite of this, however, he died the same evening but not before two dying declarations had been recorded from him, one in the form of a complaint to a police officer and the other as a regular dying declaration before the local magistrate. Immediate - attempts were made the following day to arrest the accused but they had all absconded. The sixth accused was arrested five days later, the fifth accused was arrested on 8th May, the third accused on 12 th May; and accused 1, 2, and 4 and the brother Kittanna Rai surrendered only after the presentation of the charge-sheet on 24th April. This in brief is the prosecution case, and the statements of the accused contain denials of their presence at the scene coupled with allegations that the witnesses were giving false evidence against them.

The six accused have presented a joint appeal against - their conviction, and the Crown has appealed against their acquittal on the charge of murder. Coupled with the latter appeal is a Criminal Revision Petition for the enhancement of the sentences for culpable homicide not amounting to murder in the event of the appeal against acquittal being dismissed and the convictions for culpable homicide not amounting to murder upheld.

-4-

Regarding the movements of the deceased on the morning of the occurrence there can be little doubt. There is evidence from P.W.10, the agent of a local bus service, that on the evening before the deceased had made a reservation with him for a seat on the early bus leaving for Mangalore next morning at 7 o'clock; but the deceased did not arrive until 8 o'clock and asked for a reservation instead by the bus leaving at 10.15 the same morning. About 9 or 9.30 that morning the deceased went back to P.W.10, accompanied by the third and fifth accused, and told the witness that as he had some business to attend to he had decided to go by the bus at 1.15 P.M. that afternoon; but he did not appear to claim his seat because he had in the meanwhile received the injuries from which he died. P.W.5 is the driver of a motor car belonging to P.W.6, and according to his evidence the deceased asked him about 9 or 10 o'clock that morning for the use of the car to go to Uppinangady which, as already explained, is on the road to Perne. The deceased was accompanied by his brother, Kittanna Rai, and the witness took them both to his master, P.W.6, for the latter's permission before undertaking the journey. P.W.6 agreed and they set off. According to P.W.6, the next time he saw his car was about 1 o'clock that afternoon, when he found the deceased lying injured inside it. The witness was asked by the deceased for the use of his car to take him to Mangalore, and the witness agreed to P.W.5 driving him there. Before he left P.W.6 asked the deceased about his injuries, and he told the witness that he had been beaten at Kodiadi but he insisted that he must be taken immediately to Mangalore.

According to the story told by the driver, P.W.5, he set off with the deceased and his brother, Kittanna Rai, along the road to Uppinangady but before they had gone very far they - overtook the third, fifth, and sixth accused walking along the road. At the request of the deceased the car was stopped and they were taken on board. When they reached Kodiadi, some -

four and a half miles from Puttur, the car was stopped and all except the driver went into the coffee shop close by. There is evidence that the owner of this coffee shop, P.W.8, had been approached by three or four of the accused earlier that morning and had been asked to vacate his shop for the day. He at first demurred; but when the name of Maila Rai was mentioned he raised no further objections and he seems to have gone off willingly to the hills close by with his wife and mother to cut firewood. According to the story told by P.W.5 he was sitting in the car outside until Kittana Rai joined him about ten minutes later. They sat there together until some shouts about being beaten and killed reached them, on which Kittanna Rai took to his heels. After a further interval a man came outside and directed P.W.5 to turn his car and bring it to the coffee shop. This was done and the deceased was carried outside and placed in the car by three persons whom P.W.5 made no attempt to identify. The second and third accused then boarded the car and ordered P.W.5 to drive to the hospital at Puttur, but shortly before reaching the town these two accused left the car and disappeared in the direction of Maila Rai's house. At this point of his story P.W.5 was corroborated by P.W.7, who was on the road at the time and noticed the car stop as these two accused dismounted. He also saw someone lying in the car, but he did not notice at the time who he was. On its way from this point to the hospital the car was met by a brother-in-law of the deceased named Ramanna Rai, who got into the car and went to the hospital with the deceased; but he has not been examined and it appears that he has not been traced. There is no doubt that on learning that the medical officer was not available the deceased insisted on his immediate removal to Mangalore. At this point he was joined by P.W.12 and 13, who are said to be two of his three henchmen, the third being P.W.

11. These three witnesses attempted to support the prosecution story by placing themselves on the road to Kodiadi, and they claimed to have reached the scene in time to witness the attack; but the learned Sessions Judge for reasons with which we are in entire agreement rejected their testimony as unreliable. Whether they went with the deceased to Mangalore is of little importance, although the learned counsel for the accused have relied on their presence with the deceased during this journey as indicating that the facts later set out in the dying declarations given by the deceased were inspired. There is evidence, however, that the deceased was accompanied by several persons when he arrived at Mangalore; and as the capacity of the car must have been limited, it is probable that the deceased was accompanied by his three henchmen.

There is no doubt that the deceased was subjected to an extremely brutal and indiscriminate attack. The post mortem certificate, Exhibit C, shows that he received a large number of abrasions, contusions, bruises, and contused wounds on various parts of his body; both the bones of the left leg were fractured, and one of the bones of the right leg was fractured; one of the bones of the right arm was broken, and also one of the fingers. In particular, the condition of the left leg indicates that the deceased must have been beaten indiscriminately without mercy, the contusion extending from the knee to the toes. The whole leg and foot were swollen, and dissection revealed that the tissues were infiltrated with blood and blood clots. Death was caused by shock and haemorrhage from the multiple injuries inflicted.

If the evidence of P.Ws.11, 12, and 13 be rejected as unreliable, the conviction of the accused depends upon the evidence of P.Ws.5, 6,. 7, 8, and upon the two dying declarations given by the deceased. The first of these is Exhibit F, which

was given to the Head Constable who went to the hospital on getting information from the medical officer. After stating briefly where he had been living during the preceding four or five months the deceased related how he had set off that forenoon with the third, fifth, and sixth accused to go to the house at Perne for a panchayat regarding the case against his younger brother, who, as already related, was involved in a Sessions Case. On reaching Kodiadi the fifth accused suggested that the car should be stopped as Sanjiva Rai was coming on foot; the car was then stopped near the liquor shop, and the occupants all went into the coffee shop belonging to P.W.8. The deceased went on to describe how the fifth accused brought him a green cocoanut and while he was drinking from it the first accused pulled him to the ground, after which the second, third, and fourth accused attacked him with split arecanut stems. This, according to the deceased, was witnessed by P.W.12 and 13, his brother Kittanna Rai, the driver, P.W.5, and others, and he went on to describe how after the attack he was carried into the car in which the second and third accused also travelled as far as the outskirts of Puttur. This dying declaration concluded with the allegation that the attack was at the instigation of Maila Rai and Sanjiva Rai. Maila Rai, it may be stated, absconded and died of tuberculosis shortly before the trial of the case in the Sessions Court. Sanjiva Rai is still absconding.

The second dying declaration given to the magistrate is Exhibit B and the only difference of importance between it and the earlier statement is that the deceased includes the fifth and sixth accused as having taken part in the indiscriminate attack upon him. He also explains in this later statement why Maila Rai and Sanjiva Rai had instigated the attack upon him, the reason given being that the deceased was unwilling to vacate the house required by Maila Rai.

Turning to the evidence of P.W.8, the owner of the coffee shop where the occurrence undoubtedly took place, his story was that he was approached about 8 or 9 o'clock that morning by accused 1 to 4 with one Gangu Shetty and asked to vacate his coffee shop for the day. Naturally he demurred but the mention of Maila Rai's name was sufficient to secure his acquiescence; and he went off into the hills close by with his womenfolk until 4 o'clock that afternoon. After he got back the fifth accused asked him about 5 o'clock the same afternoon to smear cow dung over what looked like bloodstains on the floor and this he did. During the investigation a sample of this earth smeared with cow dung and also some brownish stains from a bench in the coffee shop were taken by the police, but the result of the chemical analysis was negative. Mr.Braddell strongly relied on the result of this test; but we observe that these specimens were not sent to the Chemical Examiner until nearly two months later, so that little turns upon this negative result of the test. The authorities are agreed that suspected bloodstains must be kept dry, and that damp and exposure lead to their speedy disintegration. It is more than probable that what may have been stains of human blood disintegrated in the humid climate of that part of the country during the long interval of time which was allowed to elapse before they were sent for chemical examination. The evidence of P.W.8 has been vigorously attacked on the ground that this story about vacating his coffee shop has been invented by him in order to avoid implication in the case. It is suggested that if the deceased was beaten to death in the coffee shop of P.W.8, he would have some very awkward questions to answer; so instead of relying on the truthful explanation that he had no part in the attack he has chosen to invent this story and put himself and his family in the jungle in order to avoid all difficulties. It is significant, however, that this witness was examined the

following day, probably long before he could have any opportunity of knowing that the deceased had expired the night before; so there was no interval of time in which he could have invented the story or been prevailed upon by interested parties to fabricate evidence. We can see no acceptable reason why this witness should invent a false story when the truth would equally well serve his purpose. There is no suggestion that he was in any way interested in either side, and his mere presence in the vicinity would not have identified him as one of the assailants. Although this witness stated that he was approached by accused 1 to 4, it is clear from the rest of the evidence that the third accused could not have been there at the time stated by the witness. According to P.W.10, the third accused was with the deceased at the bus office about the same time, and it has been shown that in his earlier statement in the committing court P.W.8 did not implicate the third accused as having taken part in this earlier encounter.

The most important witness regarding the occurrence is the motor driver, P.W.5; and although there is strong reason for thinking that he is anxious to screen the accused as far as possible, we are unable to believe that he is deliberately giving false evidence against those whom he states were in the car on the outward journey or returning with him and the deceased on the homeward journey. There is the evidence of his employer, P.W.6, that the car was required by the deceased and his brother, so that P.W.5 cannot easily deny that he had set off with the deceased that morning. That the deceased was accompanied during the major part of this journey by the third, fifth, and sixth accused appears in the dying declarations given by the deceased, statements which were given 31 miles away from Mangalore under circumstances which precluded P.W.5

from ascertaining before he was interfered with by the police what the deceased had stated. This witness is anxious to emphasise that during the interval when the deceased was inside the coffee shop he was sitting quietly in the car outside with - Kittanna Rai and, as already pointed out, he makes no attempt to identify the three persons who carried the deceased outside and put him into the car. It seems to us extremely unlikely that he would have been so disinterested in what was going on inside, but we are not prepared merely on this account to reject his evidence. Some reference has already been made to the - passer-by, P.W.7, who happened to be on the road when the second and third accused descended from the car shortly before it - reached Puttur on the homeward journey. He also saw a man - lying in the car although he did not notice who he was. One important feature about P.Ws.5, 6, 7, and 8 is that none of them have been shown to have any purpose to serve by giving - false evidence against any of the accused.

On behalf of his clients Mr.Braddell has criticised the prosecution theory that the deceased had been decoyed to the coffee shop in order to be attacked. He has contended that as Maila Rai and Sanjiva Rai were his enemies it is unlikely that he would have placed himself in the... power; but as it is in evidence that one of the purposes of the panchayat was to discuss the Sessions Case against the brother, Kittanna Rai, the deceased may have readily overcome his scruples to get his - brother out of trouble. It is clear from the evidence of the bus agent, P.W.10, that the deceased must have changed his mind quite quickly, because only the night before he had reserved his seat for the early bus leaving for Mangalore the next - morning. That departure was delayed and it was at 9 or 9.30 that morning that he announced his intention of not going

until the afternoon because he had some business to attend to. It is clear from this that he had decided to delay his departure, and we are not prepared to reject the evidence of this witness merely because the deceased should have been a little more wary under the circumstances.

Considerable comment has been made by Mr.K.S.Jayarama Aiyar about the failure of the deceased to make any attempt to complain to the police station at Puttur although it is in evidence that it lay on the road to Mangalore. This supports the suggestion that the deceased may have utilised the interval in implicating other persons also as his assailants, but we have already mentioned that the deceased was insistent on the necessity for his removal to Mangalore. The compounder had suggested going to Mangalore but it is quite clear that it was the deceased who directed his removal and arranged with P.W.6 for the use of his car for the purpose. It seems more than likely, therefore, that in view of his injuries the deceased was determined to secure adequate medical aid before he did anything else. We have already referred to the statement of P.W.6 that the deceased told him that he had been injured at Kodiadi, and there is also evidence that when the driver, P.W.5, asked him who had attacked him he replied that it was his 'misfortune' Learned counsel suggested that if the deceased was aware of the identity of his assailants he would have lost no opportunity of revealing it immediately instead of waiting until he was questioned at Mangalore. There is also evidence that when he was questioned at the Puttur hospital he stated that he had been deceived by his brother Kittanna Rai, and the prosecution theory of the deceased being decoyed to Kodiadi rests largely on this statement by the deceased. Kittanna Rai figured as an accused in the committal court, where he was discharged for want of

evidence, and the prosecution case is that as Kittanna Rai must have influenced the deceased in going to the panchayat the deceased later suspected his motives in doing so. Although it has been argued that the deceased employed the interval is in order to prepare a case against his enemies, it is significant that he made no attempt in either of the two dying declarations to implicate Maila Rai or the other members of the family as having taken any part in the actual occurrence. He mentioned them as having instigated the attack upon him, but if he were guided at the time by a desire to implicate all his enemies he would not have rested content with the suggestion that they had instigated the attack upon him because of the dispute over the house. It is far more likely that he would have put them in the coffee shop taking an active part in the occurrence. The learned Public Prosecutor has also contended that it is unlikely in view of the brutal injuries he had received that the deceased would have ignored his real assailants in order to bring a false case against their henchmen or supporters.

Regarding the subsequent conduct of the accused in disappearing from the locality Mr.Jayaram Aiyar has rightly pointed out that none of them were questioned in either of the lower courts regarding the fact of their disappearance or invited to offer any explanation. This is undoubtedly a defect but it does not alter the fact that when they were looked for none of them were to be found. None of the accused who were proved to have been in the company of the deceased immediately before or immediately after the occurrence have attempted to give any explanation of the circumstances under which they came to separate from the deceased or how they happened to be with him at the time. Learned counsel has pointed out that they were not specifically asked to do so, but we observe that the evidence of each

witness was put to the accused and they were invited to offer their remarks. Their statements amounted merely to an absolute denial of the truth of the evidence, so that there was no point in asking them to explain matters any further.

Regarding the first and fourthaccused their participation in the attack upon the deceased rests entirely on his dying - declarations, and the only other way in which they are implicated is by the statement of P.W.8 that they had approached him early that morning for the use of his coffee shop. There is no other evidence to show that in pursuance of that arrangement they were actually present at the scene at the time, and in view of the fact that the deceased was a person of evil character we think it unsafe to place absolute reliance on his dying declarations regarding the presence of his assailants unless otherwise corroborated. For this reason we propose to give the benefit of the doubt to these two accused and acquit them.

Regarding the second, third, fifth, and sixth accused we are satisfied with the evidence against them. They are clearly proved to have been with the deceased at or about the time when he was so brutally attacked, and in the absence of any explanation from them coupled with their subsequent conduct we think their participation in the attack upon the deceased is established.

Turning to the appeal by the Crown the learned Public Prosecutor strongly contends that on the findings of fact by the learned Sessions Judge the accused should have been convicted of murder. Accc rding to the dying declarations of the deceased he was armed with a knife and this was taken from him by the third accused before the rest of the attack was proceeded with. The learned Sessions Judge considered, therefore, that if the accused had intended to cause death this knife could readily have been used in order to inflict a fatal injury. It has

been contended on behalf of the accused that as none of the injuries was separately fatal and as the second and third accused were obviously moved by humane motives to remove the deceased to the hospital for treatment as soon as possible an intention to cause death cannot be inferred. What the learned Judge found was this:

> "It seems more likely that the accused intended to give the deceased a sound thrashing and probably to maim him and in doing so they must have realised that death was likely to be caused."

The learned Public Prosecutor rightly points out that these words are sufficient to bring the case within the second clause of Section 300 of the Indian Penal Code. It is no doubt true that no single injury on the deceased was likely to cause death, but when he was attacked with such severity that both his legs and one of his arms were broken and was so severely beaten that he died the same evening, the only conclusion possible is that found by the learned Judge, namely, that the assailants intended to maim him and in doing so they knew that death was likely to be caused. In directing the removal of the victim to the hospital the second and third accused were probably conscious of the fact that they had inflicted very severe injuries and that if they were to escape a conviction for murder, something must be done to save his life if possible.

In the result we allow the appeal and convict the second, third, fifth, and sixth accused of the murder of the deceased and sentence them all to undergo transportation for life. In this view of the matter no separate orders are necessary on the petition for enhancement of the sentences. We direct that the first and fourth accused be acquitted and released forthwith

unless they are liable to be detained for any other cause.

(Sd.) K. N. Ganpati,
Deputy Registrar, Appellate Side.

(True Copy)

Sub-Assistant Registrar, Appellate Side.

To

1. The Sessions Judge of South Kanara (with records) in duplicate for communication to all accused except accused 2 whose advocate is being supplied with a copy.
2. The Public Prosecutor, Madras.
3. The District Magistrate of South Kanara.
4. The Inspector General of Police, Madras.
5. The Sub Divisional Magistrate of Puttur.
6. Do. through the District Magistrate of South Kanara.
7. The Superintendent, Central Jail, Cannanore.
8. Copy to Mr.S.Ramayya Nayak, Advocate for the 2nd accused.

KNC.

2293-43

Dated 12-4-1945.

2293
2294
2296
2297

JUDGMENT.

C.A.Nos.870 of 1944 & 173 of 1945
and
Criminal Revision Case 226 of '45.

Directing the acquittal of the accused Nos.1 & 4 and convicting accused Nos.2, 3, 5 and 6 in the South Kanara Division Sessions Case No.31 of 1944 for murder and sentencing them to transportation for life.

No.R.7/3828/53

Office of the Superintendent,
Central Jail, Cannanore.
Dated/8th August, 1953.

From:
Sri.K.P.R.Menon,
Superintendent,

To:
The Secretary to Govern[illegible] Home Department,
Madras.

Sir,

Sub: Prisoners Advisory Board - Central Jail, Cannanore - Convict No.2293 Sankappa Shetty alias Konga Shetty and 3 others - release order - knowledged.

Ref: G.O.Ms.No.2504 Home Department dated 6/8/53

16370 3/11/8/53

I hereby acknowledge the receipt of the above [illegible] order.

Superintendent,

Copy submitted to the Inspector General of Prisons, Madras.

May be put with the G.O.

14/8/53